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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Extrajudicial, summary or arbitrary executions

Report by the Special Rapporteur, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolution 1992/72

CONTENTS

	Paragraphs	Page
Introduction	1 - 4	1
Chapter		
I. The mandate	5 - 41	2
A. Terms of reference	7 - 10	2
B. Procedures	11 - 41	4
1. Communications received by the Special Rapporteur	12 - 25	4
2. Communications sent by the Special Rapporteur	26 - 28	8
3. Communications from Governments	29 - 34	8

GE.92-14937 (E)

CONTENTS (continued)

		Paragraphs	Page
B.	Procedures (continued)		
	4. Visits	35 - 37	10
	5. Cooperation with other United Nations procedures	38 - 41	11
II.	Legal framework within which the mandate of the Special Rapporteur is implemented	42 - 68	12
A.	Violations of the right to life in connection with the death penalty	49 - 53	13
B.	Deaths in custody	54 - 57	14
C.	Deaths due to the use of force by law enforcement officials	58 - 59	14
D.	Violations of the right to life during armed conflicts	60 - 61	15
E.	Expulsion of persons to a country where their lives are in danger	62 - 63	15
F.	Obligation to investigate	64 - 66	16
G.	Genocide	67	16
H.	The rights of victims	68	17
III.	Activities	69 - 91	18
A.	Consultations	70 - 71	18
B.	Communications	72 - 87	18
C.	Visits	88 - 91	21
IV.	Situations	92 - 656	22
A.	General	92 - 94	22
B.	Country situations	95 - 656	22
	Afghanistan	95 - 97	22
	Albania	98	23
	Angola	99 - 101	23
	Argentina	102	23

CONTENTS (continued)

	Paragraphs	Page
B. Country situations (continued)		
Azerbaijan	103 - 104	24
Bangladesh	105 - 118	24
Bhutan	119	27
Bolivia	120	27
Brazil	121 - 142	28
Burkina Faso	143	33
Burundi	144 - 151	33
Cambodia	152 - 156	35
Cameroon	157 - 162	36
Chad	163 - 169	37
Chile	170 - 171	38
China	172 - 184	39
Colombia	185 - 215	42
Cuba	216 - 229	50
Dominican Republic	230 - 232	53
Egypt	233 - 236	54
El Salvador	237 - 251	55
Equatorial Guinea	252 - 254	60
Ethiopia	255 - 257	61
Ghana	258 - 261	62
Grenada	262	63
Guatemala	263 - 304	63
Haiti	305 - 323	72
Honduras	324 - 329	77
India	330 - 347	78
Indonesia	348 - 353	85
Iran (Islamic Republic of)	354 - 369	88
Iraq	370 - 376	92
Israel	377 - 385	93
Jamaica	386	95
Jordan	387 - 388	95
Kenya	389 - 390	95
Kuwait	391 - 392	96
Lesotho	393 - 398	96
Liberia	399	97
Madagascar	400	97
Malawi	401 - 408	97
Malaysia	409 - 411	98
Mali	412 - 415	99
Mauritania	416	100
Mexico	417 - 426	100
Morocco	427 - 430	102
Myanmar	431 - 441	102
Nepal	442 - 443	105
Nicaragua	444 - 445	106
Niger	446	106

CONTENTS (continued)

		Paragraphs	Page
B.	Country situations (continued)		
	Nigeria	447	106
	Pakistan	448 - 454	106
	Paraguay	455 - 459	108
	Peru	460 - 487	109
	Philippines	488 - 501	118
	Rwanda	502 - 509	121
	Saudi Arabia	510 - 511	123
	Senegal	512 - 513	124
	Somalia	514	124
	South Africa	515 - 531	124
	Sri Lanka	532 - 544	127
	Sudan	545 - 556	130
	Suriname	557	132
	Thailand	558 - 563	132
	Togo	564 - 572	133
	Trinidad and Tobago	573	135
	Tunisia	574 - 579	135
	Turkey	580 - 617	137
	Uganda	618	151
	Ukraine	619 - 621	151
	United Republic of Tanzania	622	152
	United States of America	623 - 636	152
	Venezuela	637 - 649	155
	Yemen	650 - 653	157
	Zaire	654 - 656	158
V.	Visits to the former Yugoslavia	657 - 672	159
VI.	Conclusions and recommendations	673 - 706	163
A.	Allegations received and acted upon by the Special Rapporteur	677 - 688	163
B.	Other procedural aspects	689 - 706	167

Introduction

1. The present report is submitted pursuant to Commission on Human Rights resolution 1992/72 of 5 March 1992, entitled "Extrajudicial, summary or arbitrary executions". This resolution, which renewed the mandate of the Special Rapporteur and extended it for another three years, was approved by the Economic and Social Council in its decision 1992/242 of 20 July 1992.

2. After presenting his ninth report (E/CN.4/1992/30) to the Commission on Human Rights, Mr. Amos Wako resigned as Special Rapporteur on summary or arbitrary executions in early March 1992. In conformity with paragraph 5 of resolution 1992/72, the Chairman of the Commission on Human Rights appointed Mr. Bacre Waly Ndiaye to succeed Mr. Wako in this function.

3. The present report is the first presented to the Commission on Human Rights by the new Special Rapporteur. It is the tenth since the mandate was established by the Economic and Social Council in its resolution 1982/35 of 7 May 1982.

4. In chapter I of the present report, the Special Rapporteur offers an interpretation of the mandate entrusted to him and sets forth his personal approach to several issues that have arisen during the first months of his activities. Chapter II contains the legal framework within which he carried out his mandate. In chapter III, the Special Rapporteur reports on the activities he has undertaken since his appointment. In chapter IV, he presents country-specific situations in which he has pursued his mandate: these include a general description of the allegations received by the Special Rapporteur and a more detailed summary of the correspondence with the Governments concerned regarding those allegations. In chapter V, the Special Rapporteur gives account of the findings, of relevance to his mandate, of two missions to the former Yugoslavia in which he participated. Finally, in chapter VI, the Special Rapporteur sets forth his conclusions and closes his report with recommendations designed to ensure more effectively, in future, respect for the international instruments and standards to which his mandate refers.

I. THE MANDATE

5. The present Special Rapporteur on extrajudicial, summary or arbitrary executions was appointed in April 1992 by the Chairman of the Commission on Human Rights pursuant to Commission resolution 1992/72 of 5 March 1992. He assumed his functions after that resolution had been approved by the Economic and Social Council in its decision 1992/242 of 15 July 1992. He took over the mandate from Mr. Amos Wako, who had been Special Rapporteur on summary or arbitrary executions from the establishment of the mandate in 1982 until March 1992. The experience of the first 10 years, both the achievements and the difficulties encountered, as they have been reflected in Mr. Wako's yearly reports to the Commission on Human Rights, was of great value to the Special Rapporteur when he assumed his functions, particularly since he had only some six months in which to deal with a large number of allegations.

6. In this chapter the Special Rapporteur will address a series of issues relating to his mandate. They include the task entrusted to him by the Commission on Human Rights, the procedures resorted to and some problems encountered during the first months. He wishes to emphasize that these observations do not pretend to be an exhaustive interpretation of his mandate; rather, they should be seen as personal remarks aimed at setting initial coordinates for his work, which will certainly undergo adjustments and improvements in the future. He believes that this may enhance understanding and, as a consequence, fruitful cooperation with Governments and those who provide him with allegations of extrajudicial, summary or arbitrary executions.

A. Terms of reference

7. The Commission on Human Rights, in resolution 1992/72, requests the Special Rapporteur to "continue to examine situations of extrajudicial, summary or arbitrary executions" (para. 7). It should be noted that in this resolution the Commission has widened the title of the mandate, which now includes "extrajudicial" as well as "summary or arbitrary" executions. This seems to indicate that the members of the Commission have adopted a broad approach to the mandate on executions which encompasses all violations of the right to life as guaranteed by a large number of international human rights instruments (see chapter II of the present report).

8. In the same resolution the Commission also requested the Special Rapporteur "to pay special attention to extrajudicial, summary and arbitrary executions of children" (para. 8).

9. In addition, in several other resolutions of the Commission on Human Rights special rapporteurs are asked to pay particular attention to a number of issues within the framework of their mandates. In particular:

(a) In resolution 1992/22, entitled "Right to freedom of opinion and expression", the Special Rapporteur is invited "to pay particular attention ... to the situation of persons ... discriminated against for having exercised the right to freedom of opinion and expression" and the Commission expressed concern about the "intrinsically linked rights to freedom of

thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights". Violations of these rights have been reported to the Special Rapporteur, for example in the context of violence against demonstrators, journalists and writers, trade unionists and members of religious or other groups and associations;

(b) In resolution 1992/31, entitled "Human rights in the administration of justice", the Special Rapporteur is called upon "to give special attention to questions relating to the effective protection of human rights in the administration of justice". Within the framework of the mandate of the Special Rapporteur, this concerns particularly the independence of judges and lawyers, the right to a fair trial, human rights and states of emergency, and the question of impunity of perpetrators of violations of human rights;

(c) In resolution 1992/37, entitled "World Conference on Human Rights", the Commission encourages "... special and thematic rapporteurs ... to contribute as observers by taking part as appropriate, in the work of the Preparatory Committee and the World Conference". The Special Rapporteur participated in the African regional preparatory meeting for the World Conference;

(d) In resolution 1992/39, entitled "Strengthening of United Nations action in the field of human rights through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity", the Commission "requests all human rights bodies within the United Nations system, as well as special rapporteurs", to carry out their responsibilities guided by the principles of non-selectivity, impartiality and objectivity;

(e) In resolution 1992/41, entitled "Human rights and thematic procedures", the Commission recommends that Governments which have invited any of the thematic special rapporteurs to visit their countries should consider follow-up visits". Governments are also encouraged "to respond expeditiously to requests for information ... so that the thematic special rapporteurs concerned ... may carry out their mandates effectively". Governments encountering problems in the field of human rights are further encouraged "to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a thematic special rapporteur ... to visit their countries". In addition, this resolution requests special rapporteurs to take follow-up action;

(f) In resolution 1992/42, entitled "Consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers", the Special Rapporteur is requested "to continue paying particular attention to the adverse effect on the enjoyment of human rights of acts of violence" committed by such groups;

(g) In resolution 1992/57, entitled "civil defence forces" the Special Rapporteur is requested "to pay due attention ... to the matter of civil defence forces in relation to the protection of human rights and fundamental freedoms";

(h) In resolution 1992/59, entitled "Cooperation with representatives of United Nations human rights bodies", Governments are urged "to refrain from all acts of intimidation or reprisal against" those cooperating with representatives of United Nations human rights bodies availing themselves of human rights protection procedures established under United Nations auspices or providing legal assistance for this purpose, as well as those who submit communications under procedures established by human rights instruments and relatives of victims of human rights violations.

10. In examining and analysing the information brought to his attention, the Special Rapporteur has taken into consideration these requests by the Commission on Human Rights. Reference to the issues concerned will be made in chapter IV, within the description of the specific country situations. They will also be addressed in the conclusions and recommendations contained in chapter V of the present report.

B. Procedures

11. During the 10 years of the existence of the mandate, a certain number of procedures have been established. Their nature is determined by the specific requirements defined by the nature of the human rights violations encompassed by the mandate as well as practical considerations such as the availability of resources and time constraints. Thus, the Special Rapporteur has in the past sent different types of communications to Governments. He has also carried out field missions. In the future, this will be continued and, where possible, contacts with all those involved in the functioning of the mandate will be extended.

1. Communications received by the Special Rapporteur

12. The Special Rapporteur receives a large number of communications providing him with information about violations of the right to life. The main source of these communications is non-governmental organizations, but they also come from individuals, intergovernmental organizations, other United Nations procedures concerned with the protection of human rights, and sometimes also Governments. The Special Rapporteur analyses this information, which constitutes a fundamental element for the working of his mandate and lies at the basis of his activities.

13. The communications received from Governments containing information in reply to urgent appeals and other letters sent to them by the Special Rapporteur will be referred to below (see below, paras. 29 et seq.).

14. Concerning the reports and allegations received by the Special Rapporteur, there are two principal difficulties he is continuously confronted with. First, he is only mandated to act upon information about human rights violations which "comes before him" (Commission on Human Rights

resolution 1992/72, para. 9). More than once, the Special Rapporteur has found himself in a situation where there were serious grounds to believe that extrajudicial, summary or arbitrary executions were being committed in certain countries, sometimes even on a large scale and, on occasion, covered by extensive reports in the media, concerning which he had not received any allegations. Since he does not act exclusively on the basis of media reports, with regard to some situations his report may appear incomplete.

15. It should be borne in mind, however, that the present report of the Special Rapporteur does not pretend to provide the international community with a comprehensive picture of all instances of extrajudicial, summary or arbitrary executions in the world. Rather, it gives an account of how the Special Rapporteur discharged the mandate entrusted to him by the Commission on Human Rights, within the means and possibilities at his disposal.

16. Secondly, it is sometimes very difficult for the Special Rapporteur to decide whether an allegation is credible, or whether it is politically or otherwise motivated. The Special Rapporteur and his supporting staff are not in a condition to verify all allegations received. In virtue of his human rights activities in the past, the Special Rapporteur has ample personal knowledge of non-governmental organizations. Many of them have been cooperating with different United Nations human rights procedures for years. In such cases, this experience has allowed the Special Rapporteur to form an opinion of the credibility of those sources. Allegations are also received from non-governmental organization that are less well known and sometimes from entirely new sources.

17. Nevertheless, when the Special Rapporteur has not had sufficient experience with a non-governmental organization to be able to judge the credibility of the information coming from the organization, greater care is exercised in evaluating the apparent credibility of each allegation received. The main criterion used is the tenor of the allegation itself: the more information it contains concerning the particulars of the purported victim or victims (full name, age, place of residence or origin, profession, marital status etc.) and the precise circumstances of the incident (date, place, description of how the event occurred, etc.), the more likely it is that the allegation will be considered credible and forwarded to the State concerned. In some cases, where doubts persist, the Special Rapporteur may seek corroboration from another source, in particular non-governmental organizations of undisputed credibility. In principle, though, the Special Rapporteur transmits all allegations he receives unless he has serious grounds to believe that the information provided is not credible.

18. Information received from States in their replies to allegations which have been forwarded to them is also taken into account in evaluating the credibility of the source. Information that simply clarifies facts reported by a non-governmental organization or sheds new light on them does not, of course, adversely affect the credibility of the source, nor do general accusations concerning the motives or reliability of the source. It is to be expected that the Government has more information than a non-governmental organization concerning factual aspects of incidents involving the loss of life, and it is also normal that their evaluation of the significance of such

incidents may differ. However, replies which clearly establish that allegations submitted to the Special Rapporteur were unfounded or substantially distorted may oblige him to revise his appreciation of the credibility of the source.

19. Problems arise where no replies are received from Governments, sometimes for years. Should the Special Rapporteur in such cases consider the allegations to be substantiated until he receives proof to the contrary? Should he seek to meet with the representatives of the countries concerned to find out the reasons for their silence? Or should he envisage other measures, and if so, which? In certain situations, the only possibility for the Special Rapporteur to form an opinion on the circumstances prevailing in a given country is to conduct an on-site visit. Consequently, he will seek to do so in cases where there are important discrepancies between information received from different sources.

20. Another question which was raised by a Government in its reply to allegations submitted by the Special Rapporteur concerned the "value which the Special Rapporteur attributes to domestic national legislation and legal remedies available on the national level in the determination, processing and investigation of the truth or falsehood of allegations of summary and arbitrary executions", and whether or not the requirement of exhaustion of such remedies is applicable.

21. National law and procedures may be relevant to cases of alleged extrajudicial, summary or arbitrary executions in different ways, depending on the nature of the execution. In so far as the death penalty is concerned, the relevant national law includes the substantive law indicating the crimes for which the death sentence is applicable; the law concerning age and other factors which preclude the imposition or application of the death penalty; the law concerning the discretion of the sentencing authority, and the kinds of information which may be taken into account; post-sentencing procedures; the law specifying how the sentence is to be carried out, as well as legislation concerning the due process procedural rights of the defendant during trial and appeal. Where extrajudicial executions are concerned, different laws and procedures come into play. Relevant law includes the law and regulations concerning justifiable homicide and the use of force by law enforcement officials; the administrative and judicial procedures for investigating such deaths, and the right of the family of the deceased to be informed of the cause and circumstances of the death, and to receive compensation for wrongful death. Given the different types of legislation, including regulations, and procedures which may be relevant, it is difficult to generalize as to the value attributed by the Special Rapporteur to national laws and remedies in the carrying out of the mandate.

22. The Special Rapporteur is guided primarily by international standards. The main substantive legal framework, as indicated by the Commission on Human Rights most recently in its resolution 1992/72 and the General Assembly in its resolution 45/162 of 18 December 1990, are the Universal Declaration of Human Rights and articles 6, 14 and 15 of the International Covenant on Civil and Political Rights. These standards, which are applicable to all countries, are interpreted in the light of a number of other United Nations instruments,

enumerated in the sixth preambular paragraph of Commission on Human Rights resolution 1992/72 (see also below chapter II). In most cases, it is the Special Rapporteur's primary concern to establish whether the State has complied with its obligation under international law to prevent violations of the right to life, or, where extrajudicial, summary or arbitrary executions have already occurred, to investigate the cause and circumstances of the death, identify the perpetrators and impose appropriate sanctions.

23. This leads to the question of whether or not the exhaustion of domestic remedies should be required. In so far as the death penalty is concerned, exhaustion of domestic remedies would mean waiting until the highest court of appeal has announced its decision, or until all possibilities for requesting commutation of sentence and pardon have been exhausted. However, loss of life is irreparable. If the Special Rapporteur considers that there is reason to believe that the application of the death penalty in a given case might violate applicable international standards, it would be unconscionable to wait until domestic proceedings have reached a stage at which execution is unavoidable in order to convey his concern to the national authorities.

24. With regard to extrajudicial executions, the Special Rapporteur is of the opinion that considerations which apply to other international procedures for examining human rights violations do not necessarily apply to violations of the right to life. The public interest in protecting the right to life prevails over private interests. The duty of the State to investigate any extrajudicial, summary or arbitrary execution that has occurred, to identify those responsible and to impose appropriate sanctions is of the highest order and is independent of any right of action, whether penal or civil, of the aggrieved parties. Failure of the dependants or legal representatives of the deceased to take legal action against those allegedly responsible in no way absolves the State of its responsibility to investigate and, if appropriate, prosecute. It would therefore be inappropriate to impose exhaustion of remedies as a prerequisite for bringing a case to the attention of the Special Rapporteur.

25. In cases of consummated extrajudicial, summary or arbitrary executions, the main concern of the Special Rapporteur, as indicated above, is to evaluate how the State fulfils its duty to investigate, identify and sanction. In general, it would be inappropriate to reach any firm conclusions on the merits of an allegation until the investigations undertaken by national authorities are concluded. An exception might be made when investigations or prosecution are unduly prolonged, or when there is convincing evidence that they are not being pursued in good faith. However, this does not necessarily mean that the Special Rapporteur should on principle refuse to begin consideration of an allegation until domestic proceedings are final. In the experience of the Special Rapporteur, criminal investigations and trials often last years. Precluding consideration of allegations until such proceedings are completed would, in practice, mean that the information contained in his reports would not reflect current trends and situations. Moreover, a policy of refraining from any consideration of a case until proceedings are complete would prevent the Special Rapporteur from having a timely and constructive impact on the efforts made by national authorities to redress cases of extrajudicial, summary or arbitrary executions. Consequently, imposition of the exhaustion

of the internal remedies requirement would be incompatible with the request that the Special Rapporteur "respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is ... threatened" (Commission on Human Rights resolution 1992/72, para. 9) or "when such an execution has recently occurred" (General Assembly resolution 45/162, para. 7).

2. Communications sent by the Special Rapporteur

(a) Urgent appeals and other allegations

26. The main types of communications sent by the Special Rapporteur have traditionally been "urgent appeals" in cases of an imminent extrajudicial, summary or arbitrary execution of death threats, and letters transmitting allegations of extrajudicial, summary or arbitrary executions of a less urgent character. In both cases, the Special Rapporteur has to rely exclusively on allegations he receives, mainly from non-governmental organizations but also from individuals, intergovernmental organizations and Governments.

27. Pursuant to a special request made by the Commission on Human Rights in resolution 1992/59, entitled "Cooperation with representatives of United Nations human rights bodies", the Special Rapporteur has also intervened through urgent appeals in cases where he had received allegations of acts of intimidation or reprisal in violation of the right to life against those cooperating with United Nations human rights procedures and their legal advisors and against relatives of victims of human rights violations.

(b) "Follow-up letters"

28. A third type of communication which should become increasingly important in the future consists of letters following up on earlier communications. In its resolution 1992/72, the Commission on Human Rights requested the Special Rapporteur to "enhance his dialogue with Governments by following up on communications dispatched to Governments transmitting allegations of extrajudicial, summary or arbitrary executions ..." (para. 14). The following up of communications will be an important element of the Special Rapporteur's work in the future. It is hoped that the Governments concerned will support him in this matter by providing him with updated information on cases under investigation.

3. Communications from Governments

29. Communications from Governments providing information on allegations transmitted and other issues related with the phenomenon of extrajudicial, summary or arbitrary executions are essential to the work of the Special Rapporteur.

30. In the past, a number of replies have been received which could not be considered as complete, since they did not "clarify" the allegations transmitted to the Governments concerned. Different types of such replies can be distinguished:

(a) In some instances, replies are general in character and do not refer to the particular cases transmitted;

(b) Sometimes, Governments address special issues related with the mandate without going into detail with regard to the cases;

(c) Often, Governments inform the Special Rapporteur that the cases are being investigated.

31. This kind of information is most welcome and helpful for the Special Rapporteur to form an opinion on the situation in a given country. However, it may also be useful to consider what details would allow the Special Rapporteur to consider a case as "clarified". This varies according to the type of allegations transmitted. The following are some examples of steps and measures taken by the competent authorities that would be considered appropriate if the allegations prove to be well founded:

(a) Extrajudicial, summary or arbitrary executions: an independent investigation has been carried out; the authors of the execution have been identified and brought to justice; measures have been taken to ensure effective protection from extrajudicial, summary or arbitrary executions in the future;

(b) Death threats and fear of extrajudicial, summary or arbitrary executions: an independent investigation has been carried out; the authors of the threats have been identified and brought to justice and the persons whose lives are in danger are granted effective protection;

(c) Execution of death sentences in breach of international standards relating to the death penalty: irregularities in trial procedures have been redressed effectively; the right to appeal and to seek pardon or commutation of sentence has been ensured; the execution of the death penalty in the case of a minor, mentally deficient person, pregnant woman or young mother has not taken place;

(d) Deaths in custody due to the use of force, torture or neglect: an independent investigation has been carried out; those responsible have been identified and brought to justice; measures have been adopted to ensure adequate conditions of detention and prevent such incidents from happening again;

(e) Deaths due to abuse of force by law enforcement personnel: an independent investigation has been carried out; those responsible have been identified and brought to justice; measures have been undertaken to effectively prevent such incidents from happening in the future;

(f) Fear of execution after extradition or refoulement: the persons in danger of execution in the receiving State have not been expatriated; measures have been taken to effectively protect them from extrajudicial, summary or arbitrary execution upon their arrival in the receiving country.

32. By its resolution 1992/41, the Commission on Human Rights "encourages Governments to respond expeditiously to requests for information made to them through the procedures, so that the thematic special rapporteurs concerned ... may carry out their mandates effectively" (para. 2). The Special Rapporteur is aware that in some cases it takes time to examine the allegations transmitted, particularly since they have to be sent to the competent authorities in the countries concerned. However, it would be very much appreciated if in exceptional cases, where there are particular difficulties in forwarding the information requested, Governments could, in a spirit of cooperation, provide the Special Rapporteur with the reasons justifying the delay, as has been done by some countries in the past.

33. In this context, it should be noted that dates indicated in communications by the Special Rapporteur as time-limits for submitting information have no other reason than the constraints set by technical considerations in connection with the time required to process reports so that they may be made available to the Commission on Human Rights.

34. In coming years, the Special Rapporteur will endeavour to send allegations not only once but three or four times a year, in order to allow Governments more time to investigate the cases transmitted and to send their replies.

4. Visits

35. By resolution 1992/41, the Commission on Human Rights also "encourages Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a thematic special rapporteur ... to visit their countries".

36. It has been repeatedly stated that on-site visits are the only means by which the Special Rapporteur can make himself familiar with the situation in a given country and report to the Commission on Human Rights on all its aspects. The lack of reaction, or the negative reaction, to his endeavours to obtain an invitation from a Government to carry out an on-site mission experienced by the Special Rapporteur on some occasions seems to be caused by differences in the perception of the purpose of such a visit.

37. The Special Rapporteur would like to emphasize that to visit a country does not mean to "accuse" the Government concerned beforehand of human rights violations. Visits aim at understanding a situation and its problems, taking into account all the circumstances that contribute to them. The recommendations made by the Special Rapporteur following a visit should help the Government concerned to find solutions to problems that affect the right to life. This may be especially important in order to enable the Special Rapporteur to comply with the request of the Commission on Human Rights in resolution 1992/42 that special rapporteurs pay particular attention to human rights violations by armed groups. Visits can also be the only means of verifying contradictory information from different sources. The Special Rapporteur also wishes to state that visits do not have the character of a

judicial inquiry; they cannot replace investigations by the competent judicial authorities. Furthermore, the existence of an independent inquiry does not impede a visit by the Special Rapporteur.

5. Cooperation with other United Nations procedures

38. For an overall increase in efficiency, and with a view to benefiting from the experience gathered by any of them in their particular field of interest, the different procedures that deal with human rights issues, whether they operate under mandates established by the Commission on Human Rights or by any other decision-making body of the United Nations, should increase their cooperation and coordination.

39. During the first six months of his mandate, the Special Rapporteur was able to establish contacts with some of the other special rapporteurs, special representatives and working groups operating under mandates established by the Commission on Human Rights. Cooperation included the sharing of information, consultations and two joint missions to the former Yugoslavia. The tendency towards field missions to countries with problems in the field of human rights by two or more special rapporteurs with relevant mandates seems to be most interesting and important. It will allow them to present the Commission on Human Rights with a much more comprehensive and thorough analysis of the situation in a given country.

40. Joint visits, however, should not result in an overall reduction in the number of missions by special rapporteurs and working groups to countries encountering problems in the field of human rights. Careful coordination of such activities will therefore be needed.

41. Furthermore, the Special Rapporteur wishes to cooperate and coordinate his efforts with other United Nations procedures that operate in some countries. Thus, copies of the allegations of extrajudicial, summary or arbitrary executions transmitted to the Governments of Angola, Cambodia and El Salvador were sent to the United Nations Angola Verification Mission (UNAVEM), the United Nations Transitional Authority in Cambodia (UNTAC) and the United Nations Observer Mission in El Salvador (ONUSAL). In the future, such cooperation might also include on-site visits to ensure that legal and practical steps are put into practice to eliminate the phenomenon of extrajudicial, summary or arbitrary executions which, in the past, has constituted one of the most tragic manifestations of the human rights crisis in the countries concerned.

II. LEGAL FRAMEWORK WITHIN WHICH THE MANDATE OF THE SPECIAL RAPPORTEUR IS IMPLEMENTED

42. The Special Rapporteur is mandated "to examine situations of extrajudicial, summary or arbitrary executions" (Commission on Human Rights resolution 1992/72). The acts and omissions to be taken into account by the Special Rapporteur therefore include all those which constitute a violation of the right to life as established in the international human rights instruments providing the normative framework for the implementation of the mandate.

43. The right to life finds its most general recognition in article 3 of the Universal Declaration of Human Rights. Article 6 of the International Covenant on Civil and Political Rights recognizes the inherent right of every person to life, adding that this right "shall be protected by law" and that "no one shall be arbitrarily deprived of life". Moreover, the right to life of persons under the age of 18 and the obligation of States to guarantee the enjoyment of this right to the maximum extent possible are both specifically recognized in article 6 of the Convention on the Rights of the Child.

44. By article 2 of the Universal Declaration of Human Rights and articles 2 and 26 of the International Covenant on Civil and Political Rights, and under several other United Nations declarations and conventions, everyone is entitled to the protection of the right to life without distinction or discrimination of any kind, and all persons shall be guaranteed equal and effective access to remedies for the violation of this right.

45. Further, article 4, paragraph 2, of the International Covenant on Civil and Political Rights and principle 8 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana, Cuba, from 27 August to 7 September 1990, provide that exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any derogation from the right to life and security of the person.

46. The general recognition of the right to life of every person in the aforementioned international instruments constitutes the basis for the work of the Special Rapporteur. A number of other treaties, resolutions, conventions and declarations adopted by competent United Nations bodies contain provisions relating to specific types of violations of the right to life. They, too, form part of the legal framework within which the Special Rapporteur operates.

47. One of the most pertinent of these instruments is the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989. In particular, principle 4 sets forth the obligation of Governments to guarantee effective protection through judicial or other means to individuals and groups who are in danger of extralegal, arbitrary or summary executions, including those who receive death threats.

48. An analysis of the international instruments concerning the protection of the right to life makes it possible to group the situations falling within the mandate of the Special Rapporteur according to the categories set forth below.

A. VIOLATIONS OF THE RIGHT TO LIFE IN CONNECTION WITH THE DEATH PENALTY

49. Article 6 of the International Covenant on Civil and Political Rights sets forth several important restrictions on the imposition and execution of the death penalty. Paragraph 2 provides, inter alia, that it may be imposed "only for the most serious crimes" and only "pursuant to a final judgement rendered by a competent court". Paragraph 4 recognizes the right of persons sentenced to death to seek pardon or commutation of the sentence, and paragraph 5 prohibits the imposition of the death sentence for crimes committed by persons below 18 years of age and the application of the sentence to pregnant women. Article 14, concerning the right to a fair trial, is also relevant, as is article 15, which prohibits, among other things, the retroactive imposition of heavier penalties than those applicable at the time when the offence was committed.

50. Apart from the International Covenant on Civil and Political Rights, the instrument most relevant to cases concerning the death penalty is the "Safeguards guaranteeing protection of the rights of those facing the death penalty", adopted by the Economic and Social Council in resolution 1984/50 of 25 May 1984. This instrument provides expressly that the death penalty may only be carried out after a trial "which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights", reaffirms the standards contained in the International Covenant on Civil and Political Rights concerning persons under the age of 18 and pregnant women, and adds certain other restrictions, in particular in paragraph 3, which provides that the death penalty shall not be carried out on persons who have become insane.

51. The Economic and Social Council, in resolution 1989/65 of 24 May 1989 on implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, inter alia recommends that States further strengthen the protection of those charged with offences for which the death penalty exists by allowing time and facilities for the preparation of their defence, eliminating the death penalty for mentally retarded persons, providing for a mandatory appeal or review with provisions for clemency or pardon in all cases.

52. The imposition of the death penalty for crimes committed by persons under the age of 18 is also prohibited by article 37 (a) of the Convention on the Rights of the Child and rule 17.2 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), adopted by the General Assembly in resolution 40/33 of 29 November 1985.

53. The views of the Human Rights Committee in the case of Carlton Reid v. Jamaica, contained in its communication No. 250/1987, adopted on 20 July 1990 (A/45/40, vol. II, chap. IX, sect. J), concerning the right of persons accused of a capital offence to legal assistance and the right to appeal, have also been taken into consideration by the Special Rapporteur.

B. DEATHS IN CUSTODY

54. The Special Rapporteur receives many allegations concerning deaths in custody under different circumstances. When the death results from torture or other deliberate mistreatment, article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights are relevant. In addition, the Special Rapporteur takes into account the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 39/46 of 10 December 1984.

55. If the death appears to have been due to the use of force, for example to prevent escape or control a disturbance, principles 15 and 16 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and article 3 of the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in resolution 34/169 of 17 December 1979, are relevant.

56. If the death results from other causes, such as starvation or lack of medical care, the Special Rapporteur takes into account the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2706 (LXII) of 13 May 1977, the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in its resolution 45/111 of 14 December 1990, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the General Assembly in its resolution 43/173 of 9 December 1988.

57. With regard to the treatment of prisoners under 18 years of age, the Special Rapporteur also takes into consideration rules 13.5 and 27.2 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and article 37 of the Convention on the Rights of the Child.

C. DEATHS DUE TO THE USE OF FORCE BY LAW ENFORCEMENT OFFICIALS

58. Deaths due to the use of force by law enforcement officials, in response to public demonstrations or communal violence, for example, constitute an important category of cases brought before the Special Rapporteur. The main instrument taken into consideration in such cases is the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These provide that law enforcement officials, in carrying out their duties, shall, as far as possible, apply non-violent means and shall use force only when it is

unavoidable, for example for self-defence or the defence of others against the imminent threat of death or serious injury. Such force must be proportional to these objectives as well as the seriousness of the crime and must minimize damage and injury. Force may only be used when less extreme means are insufficient. Also relevant is article 3 of the Code of Conduct for Law Enforcement Officials, which provides that "law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty".

59. Of particular relevance in the context of demonstrations or other assemblies are principles 12 to 14 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which prohibit the use of force against participants in lawful and peaceful assemblies. Force may only be used to the minimum extent necessary in the dispersal of unlawful assemblies.

D. VIOLATIONS OF THE RIGHT TO LIFE DURING ARMED CONFLICTS

60. The Special Rapporteur receives many allegations concerning extrajudicial, summary or arbitrary executions during armed conflicts. In considering and acting on such cases, the Special Rapporteur takes into account the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977. Of particular relevance are common article 3 of the 1949 Conventions, which protects the right to life of members of the civilian population as well as combatants who are injured or have laid down their arms, and article 51 of Additional Protocol I and article 13 of Additional Protocol II concerning the protection of the civilian population against the dangers arising from military operations.

61. With regard to the situation of children and women in armed conflicts, the Special Rapporteur also takes into account articles 38, paragraphs 1 and 4, of the Convention on the Rights of the Child, by which State Parties undertake to respect and to ensure respect for the rules of international humanitarian law applicable to children in armed conflicts, and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, adopted by the General Assembly in its resolution 3318 (XXIX) of 14 December 1974. This resolution provides that States shall ensure that the suffering inflicted upon women and children in situations of armed conflict is restricted to the minimum and that their inalienable rights are ensured, in accordance with international law.

E. EXPULSION OF PERSONS TO A COUNTRY WHERE THEIR LIVES ARE IN DANGER

62. The Special Rapporteur has received some allegations concerning the imminent expulsion of refugees or asylum seekers to their country of origin, in circumstances where they would be in serious danger of execution upon their return. In responding to such allegations, the Special Rapporteur takes into account principle 5 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, which provides that "no one shall be involuntarily returned or extradited to a country where there are substantial grounds to believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country".

63. Where pertinent, the Special Rapporteur also takes into account article 14 of the Universal Declaration of Human Rights, which recognizes the right to asylum. If the persons concerned are refugees, the Convention relating to the Status of Refugees of 1951 may also be relevant. Article 33 of that Convention prohibits the refoulement (or forcible return) of a refugee to a territory "where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". The United Nations High Commissioner for Refugees considers that the principle of non-refoulement forms part of customary international law.

F. OBLIGATION TO INVESTIGATE

64. On several occasions, the Special Rapporteur has received allegations that States have not taken any steps to investigate violations of the right to life and to identify and bring to justice those responsible. In such cases, the Special Rapporteur takes into consideration principles 9 to 19 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions provide that a thorough, prompt and impartial investigation of all suspected cases of extrajudicial, arbitrary or summary executions must be carried out in order to determine the cause, manner and time of death and the person(s) responsible and that such findings shall be made public. Persons identified by the investigation as having participated in such executions in any territory under the State's jurisdiction shall be brought to justice. Investigative offices and procedures shall be maintained to undertake investigations, and complainants, witnesses, those conducting the investigation and their families shall be protected from violence or any other form of intimidation.

65. As regards deaths as a result of excessive use of force, the Special Rapporteur also takes into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Principle 7 provides that arbitrary or abusive use of force and firearms by law enforcement officials is to be punished as a criminal offence under national law.

66. In May 1991, the Crime Prevention and Criminal Justice Branch of the United Nations Centre for Social Development and Humanitarian Affairs published a document of major importance for guaranteeing the right to life. Entitled Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (ST/CSDHA/12), it lays down procedures for conducting investigations into extra-legal executions or killings. The Special Rapporteur urges all Governments to incorporate these procedures into national legislation and practice, as well as in training programmes for law enforcement officials.

G. GENOCIDE

67. Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, approved by the General Assembly in its resolution 260 A (III) of 9 December 1948 and in force since 12 January 1951, lists a number of acts of genocide, including killing members of a national, ethnic, racial or religious group with intent to destroy this group, as a

whole or in part. Genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide are punishable under article III of the Convention.

H. THE RIGHTS OF VICTIMS

68. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, recommended for adoption by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and adopted by the General Assembly in its resolution 40/34 of 29 November 1985, is also relevant to the mandate of the Special Rapporteur. In particular, principle 11 provides that "where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted". It should be noted that the term "victim" includes "the immediate family or dependants of the direct victim" (principle 2). Also relevant are principles 18 and 19, concerning abuse of power, and principle 6, concerning the participation of victims in legal proceedings to obtain redress for the injury suffered. Thus far, the number of cases in which the Special Rapporteur has received information concerning compensation for the families of victims of extrajudicial, summary or arbitrary executions is very small.

III. ACTIVITIES

69. Since assuming his functions, the Special Rapporteur has carried out a number of different activities, including those referred to below.

A. Consultations

70. The Special Rapporteur visited Geneva from 16 to 20 June 1992, from 17 to 21 August 1992 and from 23 to 30 November 1992. During those periods, he held consultations with the Secretariat and with other special rapporteurs of the Commission on Human Rights. He also met with a number of government representatives and consulted with representatives of non-governmental organizations. During his visit in November 1992, he held meetings with representatives of regional groups represented in United Nations bodies.

71. In addition, from 2 to 6 November 1992, the Special Rapporteur participated in the Regional Meeting for Africa held in the context of the preparations for the World Conference on Human Rights.

B. Communications

72. As in the past, the Special Rapporteur has received an enormous amount of information; some referred to the phenomenon of extrajudicial, summary or arbitrary executions in general, and some consisted of allegations of violations of the right to life in particular cases.

Urgent appeals

73. The Special Rapporteur has responded to the information that has come before him by sending urgent appeals to the Governments concerned in cases of death threats, fear of imminent extrajudicial, summary or arbitrary executions, or particularly grave incidents of violations of the right to life, especially abuse of force. In each urgent appeal, the Special Rapporteur recalled to the Government concerned the norms and principles guaranteeing the right to life of every person, as provided for in international human rights instruments. The Special Rapporteur requested the competent authorities to carry out a full, independent and impartial investigation in order to determine the cause and circumstances of the case and to identify and bring to justice those responsible. The Special Rapporteur also asked to be provided with information on such proceedings, the decisions taken as a result thereof and any measures adopted, as a consequence, to ensure respect for, and effectively protect, the right to life in the future.

74. In so far as the urgent appeal concerned the imminent execution of death sentences, the Special Rapporteur also recalled to the Government concerned the internationally recognized restrictions on the application of capital punishment and urged the authorities to ensure that those facing the death penalty were able to benefit from all the guarantees provided for in the pertinent international standards, in particular with regard to fair trial procedures, the right to adequate defence and the right to appeal and to seek pardon or commutation of the sentence.

75. The Special Rapporteur also sent a number of urgent appeals in cases of alleged abuse of force by members of security forces against participants in demonstrations and manifestations. In these cases, the Special Rapporteur drew the attention of the Governments concerned to the restrictions on the use of force and firearms contained in the pertinent international instruments, requesting them to inform him about all steps and measures taken to ensure that these norms and principles would be respected so as to prevent the recurrence of such incidents in the future.

76. Where pertinent, the Special Rapporteur also referred to the international instruments prohibiting the use of torture and any other form of cruel or inhuman treatment and appealed to the authorities to ensure adequate conditions of detention, in particular with regard to medical attention, so as to protect the right to life and physical integrity of detainees.

77. The Special Rapporteur has sent 143 urgent appeals, concerning the alleged violation of the right to life of more than 1,500 persons, to the following countries: Afghanistan, Azerbaijan, Bangladesh, Brazil, Burundi, Cameroon, Chad, Chile, China, Colombia, Cuba, Dominican Republic, El Salvador, Equatorial Guinea, Ethiopia, Guatemala, Haiti, Honduras, India, Iran (Islamic Republic of), Iraq, Israel, Malawi, Malaysia, Mexico, Morocco, Myanmar, Peru, Philippines, Rwanda, Saudi Arabia, South Africa, Sri Lanka, Sudan, Thailand, Togo, Turkey, Ukraine, United States of America, Venezuela, Yemen and Zaire. The present report reflects all the urgent appeals sent by the Special Rapporteur until 11 December 1992.

Other allegations

78. In addition, the Special Rapporteur transmitted information of a less urgent character, concerning the alleged extrajudicial, summary or arbitrary execution of more than 1,900 persons, to the following countries: Angola, Bangladesh, Brazil, Burundi, Cambodia, Chad, China, Colombia, Cuba, Egypt, El Salvador, Equatorial Guinea, Ghana, Guatemala, Haiti, Honduras, India, Iran, (Islamic Republic of), Israel, Kenya, Lesotho, Malawi, Mali, Mexico, Myanmar, Nepal, Pakistan, Paraguay, Peru, Philippines, Rwanda, South Africa, Sri Lanka, Sudan, Thailand, Togo, Tunisia, Turkey, United States of America and Venezuela.

79. The Special Rapporteur requested cooperation by the Governments concerned in clarifying the substance of the allegations transmitted. Where applicable, Governments were asked to provide, in particular, the following information:

(a) Whether the allegations were factually accurate;

(b) Any other factual circumstances that should be taken into account in assessing the implications of the allegations;

(c) The cause of death as indicated in the death certificate, and the results of the autopsy, if any, together with the identity of the responsible person or agency;

(d) The court, agency or other competent body which had been, or was, responsible for investigation of the allegations and/or the prosecution of those responsible;

(e) The identity of the person or persons, group or unit responsible for the killing, if known, as well as the identity of any military, police, paramilitary, civil defence or similar body, or armed group not under government control, to which those responsible belonged;

(f) The decision on a complaint, the grounds for the decision and any disciplinary or criminal sanctions imposed, and information as to whether or not the measure(s) imposed were final;

(g) The present status of any investigation or legal action not yet completed;

(h) The nature and amount of any compensation made to the family of the victim;

(i) In the event that the investigation had not been completed, the responsible parties had not been identified, prosecuted or punished, or compensation had not been paid, the reasons why such was the case;

(j) Any other information or observations which the Government concerned deemed pertinent.

80. These cases were sent to the Governments concerned between 31 August and 18 September 1992. Allegations of extrajudicial, summary or arbitrary executions which were received by the Special Rapporteur at a later date and which did not warrant an urgent intervention will be considered in his report to the Commission on Human Rights at its fiftieth session. They will be transmitted to the Governments concerned early in 1993.

Follow-up

81. Pursuant to the request for follow-up made to the Special Rapporteur by the Commission on Human Rights in its resolution 1992/72, a series of letters were sent to Governments in October 1992 concerning cases which had been transmitted to them in 1991. These letters referred to cases in which no reply at all had been received from the Governments and to allegations for which the replies provided could not be considered as final. This applied, in particular, where Governments informed the Special Rapporteur that investigations had been initiated but were still under way. The Special Rapporteur welcomes the fact that efforts were made to carry out inquiries into the allegations transmitted and to identify and bring to justice those responsible for extrajudicial, summary or arbitrary executions. However, without knowing the final decisions taken as the result of such proceedings, it is very difficult for him to evaluate these endeavours.

82. The following countries had not replied at all to the cases transmitted in 1991: Albania, Bolivia, Burkina Faso, Burundi, Chad, Dominican Republic, Egypt, Ethiopia, Grenada, Israel, Jamaica, Lesotho, Madagascar, Malaysia, Mauritania, Mexico, Niger, Nigeria, Paraguay, South Africa, Suriname, Togo, United Republic of Tanzania, United States of America, Yemen and Zaire.

83. The following countries had provided replies to some of the cases: Argentina, El Salvador, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Nicaragua and Philippines.

84. The following countries had provided replies to some or all of the cases, informing the Special Rapporteur that investigations were still under way: Brazil, Colombia, Ecuador, Guatemala, Morocco, Myanmar, Peru, Rwanda, Sudan, Trinidad and Tobago, Tunisia, Turkey and Venezuela.

85. The Governments of China, Cuba and Pakistan had supplied the Special Rapporteur with replies that dealt in some detail with the legislation and practice concerning capital punishment in those countries.

86. The Governments concerned were invited to provide the Special Rapporteur with updated information on the cases in question. Given the late date of the transmittal to the Governments of these letters, a full assessment of the replies received will be included in the Special Rapporteur's report to the Commission on Human Rights at its fiftieth session.

87. A more detailed account of the follow-up action taken by the Special Rapporteur is included in chapter IV, within the description of the specific country situations.

C. Visits

88. During the first six months of his mandate, the Special Rapporteur twice accompanied the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the former Yugoslavia on field missions to Croatia, Bosnia and Herzegovina and Yugoslavia, from 21 to 26 August 1992 and from 14 to 22 October 1992. An account of these visits is contained in chapter V.

89. The Special Rapporteur has received an invitation from the Government of Peru to visit that country. After consultations with representatives of the Peruvian Government, this visit has been scheduled for May/June 1993.

90. The Government of Turkey has, in principle, agreed to a visit by the Special Rapporteur, to be carried out in the future at a date yet to be fixed. The Government of Bangladesh, on the other hand, in response to an initiative by the Special Rapporteur to seek an invitation for an on-site visit to that country, has stated that this would not be considered appropriate (see below para. 116). The Special Rapporteur has also solicited invitations to carry out an on-site mission to China.

91. The Special Rapporteur will continue to seek cooperation with all Governments and hopes to be able to carry out field missions in the future.

IV. SITUATIONS

A. General

92. In this chapter, the Special Rapporteur gives an account of the reports and allegations that have come before him concerning extrajudicial, summary or arbitrary executions. It describes the way he has dealt with this information by sending urgent appeals and letters to the Governments concerned as well as the replies he has received. Where applicable, follow-up action taken by the Special Rapporteur is also mentioned.

93. It may be noted that the dates of urgent appeals sent by the Special Rapporteur and of communications received from Governments are included in parenthesis at the end of the respective paragraphs. The communications described as "other allegations" were sent between 31 August 1992 and 18 September 1992. Allegations of extrajudicial, summary or arbitrary executions received by the Special Rapporteur at a later date will be dealt with in his report to the Commission on Human Rights at its fiftieth session. Follow-up letters were sent to the Governments concerned in October 1992 (see above, para. 81).

94. All communications received from Governments before 11 December 1992 were taken into consideration in the preparation of the present report. Replies and other information that have reached the Special Rapporteur at a later date will be included in his report to the Commission on Human Rights at its fiftieth session.

B. Country situations

Afghanistan

95. The Special Rapporteur has received reports about public executions of death sentences in the Islamic State of Afghanistan following the change of Government in April 1992. Islamic courts were set up in May and all laws not in conformity with their interpretation of Islamic injunctions declared void. As a consequence, it was reported, the death penalty could now be imposed for crimes that were not sanctioned with capital punishment before. It was also alleged that those convicted and executed were not given the possibility to appeal to a higher court or to seek pardon.

Communications sent by the Special Rapporteur

96. The Special Rapporteur sent an urgent appeal to the Government of the Islamic State of Afghanistan, after he had received reports that Sayed Sakander, Mohammad Gul and Mohammad Rafit had been publicly hanged in Kabul on 7 September 1992. They had reportedly been convicted and sentenced to death for looting, robbery and murder by an Islamic court in Kabul. According to the source, they had been tried *in camera*, and they had had no right to appeal against their sentence to a higher court. On 7 June 1992,

four members of the militia had also been hanged publicly after having been sentenced to death by an Islamic court. A government spokesman reportedly announced more executions to follow as similar cases were pending before Islamic courts (21 September 1992).

Communications received from the Government

97. At the time of the preparation of the present report, no communications had been received from the Government of Afghanistan.

Albania

Follow-up on allegations transmitted in 1991

98. The Special Rapporteur sent a letter to the Government of Albania following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 38-41).

Angola

99. The Special Rapporteur has received reports according to which human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in Angola despite the cease-fire agreed in May 1991 between the Government of Angola and the Uniao Nacional para a Independência Total de Angola (UNITA). A recrudescence of violence in Angola was reported in October and November 1992.

Communications sent by the Special Rapporteur

100. The Special Rapporteur transmitted to the Government of Angola the case of Francisco Dos Santos Queiros, who reportedly died on 28 May 1992 as a result of injuries suffered during interrogation at the 10th Squadron police station in Bairo Cazanga, Luanda, where he had allegedly been subjected to severe beating (18 September 1992). A copy of these allegations was sent to the United Nations Angola Verification Mission (UNAVEM) in Angola.

Communications received from the Government

101. At the time of the preparation of the present report, no communications have been received from the Government of Angola.

Argentina

Follow-up on allegations transmitted in 1991

102. The Special Rapporteur sent a letter to the Government of Argentina following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 48-53). The Government of Argentina had replied on some of these cases. With regard to the remaining allegations, for which no replies had been received, the Special Rapporteur requested to be provided with information.

Azerbaijan

Communications sent by the Special Rapporteur

103. The Special Rapporteur sent an urgent appeal to the Government of Azerbaijan after receiving information according to which Grachik Petrosyan, Gagik Arutyunyan, Arno Mkrtchyan, Arvid Mangasaryan and Garnik Arustamyan had been convicted of murder and sentenced to death by the Supreme Court of Azerbaijan on 19 March 1992. Having been tried by the Supreme Court, they were allegedly deprived of the right to appeal (4 August 1992).

Communications received from the Government

104. At the time of the preparation of the present report, no communications had been received from the Government of Azerbaijan.

Bangladesh

105. The Special Rapporteur has received a number of reports concerning the occurrence of human rights violations, including extrajudicial, summary or arbitrary executions, in the Chittagong Hill Tracts, a remote area under military control in south-east Bangladesh, traditionally inhabited by tribal people known as Jumma.

106. Since the mid-1970s, the Shanti Bahini, the armed wing of the tribal political organization Jana Shanghati Samiti (People's Solidarity Association) aiming at regional autonomy, has been operating in the area. The Shanti Bahini are said to be responsible for a large number of killings. However, it has been reported to the Special Rapporteur that many deaths of civilians - mostly tribal people - occurred in the context of the counter-insurgency policy pursued by the Government of Bangladesh. Those allegedly responsible for extrajudicial, summary or arbitrary executions, which are often said to take place in reprisal for attacks by the Shanti Bahini, are the armed forces, civil defence groups called "village defence guards" and paramilitary forces linked to the Government, such as the Bangladesh Rifles or the "Ansar" guards.

107. Sometimes killings are reportedly carried out by Bengali settlers who were brought to the Chittagong Hill Tracts under a settlement strategy that was described as a part of the Government's counter-insurgency policy. These settlers were said to operate with the complicity or acquiescence of the security forces.

108. It was further alleged that, in most cases, human rights abuses are not investigated. In part, this is said to be due to the lack of civil administration and the restriction of movement in the Chittagong Hill Tracts.

109. Furthermore, the Special Rapporteur has received reports about deaths in police and military custody, allegedly caused by torture.

Communications sent by the Special Rapporteur

110. The Special Rapporteur transmitted to the Government of Bangladesh allegations according to which at least 280 people had died as victims of extrajudicial, summary or arbitrary executions. In 77 cases, the victims were said to be minors. By sending two urgent appeals, the Special Rapporteur intervened on behalf of more than 203 people. The remaining 77 cases were transmitted in a separate letter. Three communications were received from the Government on the situation in the Chittagong Hill Tracts, and, more specifically, the allegations transmitted in the second urgent appeal.

Urgent appeals

111. The Special Rapporteur intervened after receiving information according to which a group of 15 tribal people had been arrested by members of the armed forces on 14 January 1992 during the campaign for local elections in the Chittagong Hill Tracts. They were reportedly taken to Baraitali army camp, where 11 persons were said to have been released. Allegedly, one of those arrested, Abiran Chakma, died at Baraitali army camp after having been subjected to torture. Fears were expressed for the lives of the remaining three prisoners, Kanti Charan Chakma (19), Bandi Charan Chakma (17) and Tungo Chakma (24 June 1992).

112. The Special Rapporteur sent a second urgent appeal to the Government of Bangladesh after he had received reports that at least 200 unarmed civilians of the "Logang cluster village" had been killed on 10 April 1992 by a mob composed of Bengali settlers, members of the Village Defence Party and "Ansar" guards. The killings were reportedly motivated by revenge for the murder of a Bengali youth by the Shanti Bahini. The Bangladesh Rifles reportedly also arrived at the scene and surrounded the village to prevent people from escaping. Allegedly, police and security personnel hindered an independent investigation of the incident. A list with the names of 167 victims reported to the Special Rapporteur may be consulted in the files of the Secretariat (29 July 1992).

113. In connection with this incident, the Special Rapporteur communicated to the Government of Bangladesh his wish to conduct an on-site mission to that country with a view to obtaining a full view of the situation, reporting thereon to the Commission on Human Rights and providing recommendations to help find a solution to the problem affecting the Chittagong Hill Tracts and prevent such incidents for the future.

Other allegations

114. The Special Rapporteur transmitted to the Government of Bangladesh allegations concerning the extrajudicial, summary or arbitrary execution of 77 persons in the Chittagong Hill Tracts (31 August 1992):

(a) Shagor Basha Chakma, Buddho Chakma, Shanti Chakma and Gyan Roton Chakma were reportedly killed on 30 March 1992 when military personnel started firing at random in the tribal village of Boshontopara, Bulukhali Union, Rangamati District;

(b) Anupam Chakma (22), Borohuls Chakma (50), Mosi-U-Marma (20), Aungmrachu Marma (40), Sashi Mohan Chakma (65), Nilmni Chakma (32) and Dhaleswari Chakma (55) were reportedly killed when the tribal village of Choto Dalu was attacked on 30 May 1992 by Bengali settlers and members of the village defence guards, allegedly instigated by the military. Law-enforcement personnel reportedly observed the incident without intervening;

(c) Thirty-one persons were reportedly killed on 2 February 1992 when a bomb exploded on a motor boat which was on its way to Rangamati town. Members of the armed forces were said to have been responsible for the explosion. Thirty more tribal people were allegedly killed by Bengali settlers when they tried to swim to the shore;

(d) Three persons were reportedly killed on 18 August 1992 in Chotodarogat when policemen shot at random into a crowd of people who had gathered around a shop in which a policeman accused of attempted robbery was held;

(e) Abiran Chakma was reportedly killed on 15 January 1992 while in military custody in Baraitali army camp (see above, para. 111), allegedly after having been subjected to torture. It was further alleged that no inquiry into the case had been opened;

(f) A man named Shukchand reportedly died on 20 March 1992 while in police custody in the village of Bheramara, Kushtia District. He was said to have been arrested after an incident in which members of the Range Reserve Police Force had allegedly opened fire on a crowd of people in Beshamara. Allegedly, no judicial or disciplinary measures have been taken in relation with his death.

Communications received from the Government

115. The Government of Bangladesh provided the Special Rapporteur with general information on the situation in the Chittagong Hill Tracts. Efforts made by the Government to find a peaceful and constitutional solution to the problem of full integration of the tribal population in these areas, which accounts for 0.4 per cent of the total population of Bangladesh, were said to be continuously frustrated by a small group of tribal terrorists, the Shanti Bahini. It was stated that the Government had responded with a very restrained use of force to restore law and order in the area and to secure the life and property of the members of smaller tribes and the non-tribal population. Law enforcement agencies in the hill districts of Chittagong were operating under close supervision of the civil administration (6 July 1992).

116. In a more specific communication, in reply to the Special Rapporteur's urgent appeal concerning the massacre at Logang cluster village (see above para. 112), the Government of Bangladesh stated that the killing of some people in an attack by the Santi Bahini had led to a mob reprisal on 10 April 1992. Under the Commission of Enquiry Act 1956, a one-member judicial commission consisting of Justice Sultan Hussain Khan was instituted

investigate the incident and determine the responsibilities. The Logang incident being an act of civil violence, and given the fact that a judicial inquiry was in process, the Government expressed its view that a visit by the Special Rapporteur would not be appropriate (9 September 1992).

117. In November 1992, the Government of Bangladesh informed the Special Rapporteur that the Enquiry Commission had submitted its report, which had been made public by the Government. The Enquiry Commission had, inter alia, clearly established that "not a single case of extrajudicial execution ... or extralegal detention had been brought to the notice of the Commission". It also stated that the number of deaths of tribal people had been "inflated and magnified in a section of international press"; they did "not exceed more than 12 tribals and the number of huts burnt were admittedly about 500". The Commission also established responsibility for the incident and recommended that the case should be thoroughly investigated by competent police officers of the Criminal Investigations Department (CID). The Government declared itself fully satisfied with the findings and recommendations of the Commission and reiterated that no useful purpose would be served by any further investigation (24 November 1992).

118. Pursuant to Commission on Human Rights resolution 1992/42, the Government of Bangladesh supplied information about acts of violence, including killings of tribal people and bomb attacks against villages, committed by tribal terrorists in the hill districts of Bardarban, Khagrachari and Rangamati between 12 December 1991 and 26 February 1992. The Government of Bangladesh also provided details about a total of 785 incidents of Shanti Bahini violence in the Chittagong Hill Tracts from 1976 to 1991.

Bhutan

Follow-up on allegations transmitted in 1991

119. In reply to the allegations transmitted by the Special Rapporteur in 1991, the Government of Bhutan had requested more detailed information so as to be in a position to conduct investigations into the alleged extrajudicial, summary or arbitrary execution of 185 persons (see E/CN.4/1992/30, para. 58). The Special Rapporteur requested the source of these allegations to provide him with additional details. Since the source did not supply any information, the Special Rapporteur considered that, at that stage, it was not possible to arrive at any conclusion as to the merits of the case and therefore decided not to pursue the matter further.

Bolivia

Follow-up on allegations transmitted in 1991

120 The Special Rapporteur sent a letter to the Government of Bolivia following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (E/CN.4/1992/30, paras. 62-63).

Brazil

121. The reports and allegations received by the Special Rapporteur indicate that violence arising out of land conflicts and violence against children and adolescents continue to be, as in former years, the main causes of extrajudicial, summary or arbitrary executions in Brazil.

122. Rural violence is said to be rooted in the concentration of land ownership and income in the hands of a small number of rich and powerful landowners. This impedes the access of a larger number of people to small property and hinders modernization of the rural economy. Peasants, trade unionists and their advisers, human rights workers and other activists for agrarian reform are the main targets of human rights violations, which include death threats, assaults, abductions and killings. Often these are perpetrated by pistoleiros, gunmen hired by landowners. In some cases the involvement of members of the police was alleged. In spite of a new "Programa da Terra" (Plan for Land) announced by the Brazilian Government in January 1992, several reports indicate that little progress has been made to curb rural violence and promote land reform. In many cases it was alleged that the pistoleiros and police involved in human rights violations enjoy a high degree of impunity, as the authorities reportedly fail to investigate most of these cases and to provide effective protection to potential victims.

123. Violence against children and adolescents was described as the second major cause of death threats and extrajudicial, summary or arbitrary executions in Brazil. According to figures published by the Federal Police, there were 4,611 recorded killings of children and adolescents between 1988 and 1990. According to the Centro da Articulaçao de Populaçoes Marginalizadas (CEAP), 442 children were killed in 1991. According to the reports received by the Special Rapporteur, street children are threatened, beaten, tortured - sometimes to death - and killed, either by police, death squads or private security agents virtually every day. Various sources report that only in very few cases are violators of the human rights of children brought to justice. The climate of impunity in which they act is said to be fostered by the absence of protection for witnesses and human rights workers, the collusion of some members of the police and the judiciary with members of death squads and long delays in judicial proceedings.

Communications sent by the Special Rapporteur:

124. The Special Rapporteur communicated to the Government of Brazil allegations concerning violations of the right to life of at least 149 persons, four of them minors. Nine cases allegedly constituted violations of the rights to freedom of opinion and expression, peaceful assembly and association. By sending 14 urgent appeals, the Special Rapporteur intervened on behalf of at least 144 persons. The remaining five cases were transmitted in a separate letter. The Government replied to almost all allegations, providing information concerning 137 persons (dates of communications in brackets).

Urgent appeals

125. The persons listed below had reportedly received death threats or suffered attempts against their lives by pistoleiros:

(a) Atanangildo de Deus ("Gatao"), leader of the Federation of Agricultural Workers (FETAGRI), and Expedito Pinheiro, peasant, after pressing for a thorough inquiry into the circumstances of the disappearance of two peasants, Domingos Mendes Cardoso and Joao, on 4 January 1992, in the region of Pimanteira, near Marabá, state of Pará (24 June 1992);

(b) Josefa Batista de Oliveira, her brother (first name unknown), Dimas S. Souza Neves and Leila S. Jacob Bisinoto, all four human rights workers at the Dom Maximo Biennes Diocesan Human Rights Centre in the city of Cáceres, State of Mato Grosso, on 10 and 27 April 1992 (25 June 1992);

(c) Mariano Domingos Freire, one of the leaders of the Associaçao dos Pequenos Agricultores de Matagipe (Association of Smallholders of Matagipe), after demanding compensation for peasants who had lost their land owing to the construction of a hydroelectric dam in the region of Matagipe, on 10 April 1992 (25 June 1992);

(d) José Alves de Souza, Antonio Fernandes Pereira and Isaias Mendoça Araujo, members of the Sindicato de Trabalhadores Rurais (Rural Workers Union) of Sitio Novo in the region known as Bico do Papagaio, Tocantins. Following death threats and two attempts against the life of Mr. Alves de Souza in 1985 and 1991, they were reportedly placed under police protection, which was withdrawn later in 1991 although they had been informed by police that they should beware because they were on a death list. A third attempt on Mr. Alves de Souza's life reportedly took place on 10 April 1992 (25 June 1992);

(e) Rafael José Dos Santos, Cicero da Conceiçao Dos Santos, Damiao da Conceiçao Dos Santos and José Cosme da Conceiçao Dos Santos (14), all four sugar cane workers at the Usina Grande Vale, in the municipality of Neopolis, state of Sergipe, after they refused to leave their factory-owned homes before they were paid outstanding wages, on several occasions since March 1992 (17 July 1992);

(f) José Galindo and André Luis Costa de Pula, President and legal advisor of the association Moradores do Barrio dos Metas, on repeated occasions in July 1992, after they had initiated proceedings aiming at the prosecution of two police officers allegedly involved in an attempt against the life of Claudio Dos Santos, former president of the association (27 July 1992);

(g) Nivaldo Vieira do Nascimento, a member of the Comissao Pastoral da Terra (CPT) and the Rural Workers Union of Conceiçao do Araduaia, State of Pará, on 13 August 1992 (16 November 1992);

(h) Luiz Francisco Fartas Moura, "Didi", an activist of the Rural Workers Union of Buriti, Bico do Papagaio, Tocantins, in September 1992 (25 September 1992).

126. The following persons had reportedly received death threats in connection with violence against children and adolescents:

(a) Marilene Lima de Souza, Vera Lúcia Flores, Edméia da Silva Eusebio, Denise Vasconcelos, Euzilar Joana da Silva Oliveira, Ednéia Santos Cruz and Teresa Souza Costa, the mothers of some of the 11 children who had "disappeared" on 26 July 1992 from a farm in Magé, State of Rio de Janeiro, having being abducted by a group of armed men, after denouncing the kidnapping and actively campaigning for an investigation (4 March 1992);

(b) Carlos Alberto Ivanir Dos Santos, Executive Secretary of CEAP, and human rights workers at the CEAP headquarters in Rio de Janeiro, on several occasions throughout 1992. On 13 June 1992, they were reportedly threatened with death if they did not refrain from denouncing acts of violence against street children. On 24 August 1992, Mr. Dos Santos was allegedly shot at by an officer of the Military Police who accused him of being a drug trafficker. The bullet reportedly missed him (17 July 1992);

(c) Various collaborators of non-governmental organizations working with "street children" also reportedly received anonymous death threats in September 1992. One street educator, Jorge Antonio de Oliveira Filho of the Brazilian Institute for Social Health Innovations (IBISS), died on 5 November 1992 in circumstances that suggest the implication of police. After his death further death threats against collaborators of the institute and "street children" were received daily at IBISS offices (4 December 1992).

127. The Special Rapporteur also sent an urgent appeal on behalf of Caco Barcellos, a journalist who had allegedly received death threats after publishing, on 31 August 1992, a book in which he denounced the implication of some police officers in extrajudicial executions in Sao Paulo (25 September 1992).

128. The Special Rapporteur furthermore intervened after it had been reported to him that four men had been detained in Itapevi by the Sao Paulo State Military Police on 22 April 1991. One of them, Luiz Alexandre da Silva, allegedly died as a consequence of torture by civil police at Itapevi police station. Fears had been expressed to the Special Rapporteur that the life and physical integrity of the remaining three, Reginaldo Silva, Ironaldo Batista and a minor known as "Marquinhos", were in danger (24 June 1992).

129. The Special Rapporteur also requested the Brazilian authorities to take all the necessary steps to ensure the safety of Carlos Cabral Pereira, Roberto Neto da Silva and Orlando Canuto, all three trade-union leaders, and of Sebastiao Vieira, a local councillor, after reports had been received that the police protection that had been extended to these four men after repeated death threats and attempts against their lives would be withdrawn as of 15 October 1992 (20 October 1992).

130. The Special Rapporteur sent another urgent appeal to the Government of Brazil concerning the alleged extrajudicial, summary or arbitrary execution by members of the Military Police of at least 111 prisoners at Pavillion 9 of the Casa da Detençao prison in Sao Paulo on 5 October 1992 (27 October 1992).

Other allegations:

131. The Special Rapporteur transmitted to the Government of Brazil information he had received about the killing of three minors (31 August 1992):

> José Erivan da Silva (14) and José Fernandez de Almeida (15) were allegedly killed by two Military Police agents in cooperation with a landowner in Largato, State of Sergipe, on 5 May 1992. It was reported that their corpses presented marks of torture. No investigation into the case was said to have been conducted.
>
> Flavio Silva Dias, a minor, was reportedly killed on 28 October 1991 in Sergipe after having testified in criminal proceedings against a police official in connection with the murder of four street children in November 1990. Involvement of the security forces was alleged.

132. Two more cases transmitted on 31 August 1992 concerned:

> The killing of Severo da Silva on 19 May 1992 in Santa Luzia, State of Maranhao, allegedly perpetrated by pistoleiros hired by the owner of the fazenda (estate) where he had worked. Allegedly, no investigation into the case was conducted.
>
> The killing of Fausto Ribeiro da Silva Filho on 13 August 1991 in Sao Miguel Paulista, Sao Paulo. It was alleged that two men charged with the crime had been released and that no one had been brought to justice.

Communications received from the Government

133. The Government of Brazil provided the Special Rapporteur with the following information.

134. Concerning the measures adopted to protect the lives of the seven mothers of the children who had disappeared from Magé in June 1990 (see above, para. 126 (a)), police investigations had led to the accusation of five civil and military policemen, three of whom were under arrest by 1 May 1992. The case was then transmitted to the Judicial branch. The State Secretary of Rio de Janeiro's Civil Police had taken the necessary steps to ensure police protection for Mrs. Edneia Santos Cruz and Sonia Cristina Lourenço (whose name had not been reported to the Special Rapporteur), who had identified the military policemen charged with the abduction of the children. Police protection had also been extended to the other six women, although they were not expected to be witnesses in the ongoing investigation (30 March, 1 May, 2 June and 6 July 1992).

135. Caco Barcellos, Josefa Batista de Oliveira et al. Carlos Alberto Ivanir Dos Santos and Mariano Domingos Freire were also granted police protection and investigations were opened to look into the allegations of intimidation and death threats against them. In the case of Carlos Alberto Ivanir Dos Santos, the investigations were carried out by the military justice, while his protection was ensured by civil police (10 and 13 November 1992). Police protection was continued for Carlos Cabral Pereira, Roberto Neto da Silva, Orlando Canuto and Sebastiano Vieira.

136. With regard to the following cases, the Ministry of Justice had requested the Secretariats of Public Security of the states concerned to carry out investigations: Rafael José dos Santos et al. and Luiz Francisco Fartas Moura (10 and 13 November 1992) and Severo da Silva (25 November 1992).

137. In the case of José Alvez de Souza, the investigation into the attempts on his life had led to the inculpation of one person. A special police officer was nominated to investigate acts of violence against rural workers, clergymen and the vicar of Sítio Novo, Tocantins State. The case was transmitted to the Judicial branch on 6 May 1992. After a further attempt on the life of José Alvez de Souza on 9 April 1992, a new police inquiry was opened. Aware of the close connection of violence in that region to land disputes and the agrarian structure, the National Institute for Colonization and Agrarian Reform (INCRA) expropriated the San José farm at Sítio Novo, where 62 peasant families will be settled, and subsidized several food, housing credit and agricultural assistance projects (13 November 1992).

138. Police investigations had led to the indictment of several persons charged with the murder of Erivan José da Silva and José Fernando Almeida, Flavio Silva Dias and Fausto Ribeiro da Silva Filho. All cases have been brought before the judicial branch (25 November 1992).

139. With regard to the events in Sao Paulo's Casa da Detençao on 2 October 1992 (see above, para. 130), the authorities, appalled by the tragic consequences of the incident and aware of their responsibility for the lives of detainees under police custody, were carrying out the required investigations. Action already taken included an extraordinary session of the Council for the Defence of Human Rights (CDDPH), which decided to establish a federal commission of inquiry, a visit to the prison by the Minister of Justice together with members of the aforementioned commission, the establishment of a State Secretariat for Penitentiary Affairs in Sao Paulo, the dismissal of several commanders, and an invitation by the State Governor to all non-governmental organizations active in the field of human rights to follow the investigations. Furthermore, the State Prosecutor publicly acknowledged the right of families of the inmates to a fair reparation, the National Council for Criminal and Penitentiary Police made sure that the detainees would testify freely in the current legal procedures and the Sao Paulo State Assembly established on 16 October 1992 a Parliamentary Commission of Inquiry (CPI) to define responsibilities for the incident within 30 working days (11 November 1992).

Observations

140. The Special Rapporteur recognizes the effort made by the Government of Brazil to provide information in reply to a large number of the allegations transmitted. In particular, he appreciates that police protection has been granted to persons under death threats. The steps and measures taken in response to the events at Sao Paulo's Casa da Detençao, as well as the opening of investigations into a number of other cases, seem to indicate the Government's willingness to ensure respect for the right to live. The Special Rapporteur hopes to be provided with the results of these measures as well as information concerning the remaining cases transmitted to the Government of Brazil.

Follow-up on allegations transmitted in 1991

141. The Special Rapporteur sent a letter to the Government of Brazil following up on the allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

142. The Government of Brazil had provided replies to those allegations. In a number of cases, it had been stated that investigations were still under way. The Special Rapporteur asked the Government of Brazil to provide him with updated information, in particular about any decisions taken as a result of such proceedings and measures adopted as a consequence thereof (see E/CN.4/1992/30, paras. 64-81). In reply, the Government of Brazil stated that in the case of the alleged death threats against Antonio Rodrigues de Amorim (see E/CN.4/1992/30, para. 68) the police inquiry had been concluded and the judicial process filed after it was established that the threats had been made by a drunken man in the middle of a discussion. Another purported victim of death threats, Father Ricardo Rezende (see E/CN.4/1992/30, para 69), had declared to the press that the police protection extended to him since September 1991 had preserved his life and well-being. Decisions on the remaining cases were still pending in the courts (3 December 1992).

Burkina Faso

Follow-up on allegations transmitted in 1991

143. The Special Rapporteur sent a letter to the Government of Burkina Faso following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received.

Burundi

144. The Special Rapporteur has received reports concerning human rights violations, including extrajudicial, summary or arbitrary executions, in Burundi.

145. Most human rights abuses are said to occur in the context of a violent conflict between the Hutu, who constitute the majority of the population, and the Tutsi. Although since Major Pierre Buyoya became President, in 1987, efforts towards a reconciliation of the two groups were said to have led to an

improvement in the human rights situation in the country and to the institution of a Government composed of 50 per cent Tutsi and 50 per cent Hutu, the security forces, in particular the army, are still said to be dominated by the Tutsi. Allegedly, they are responsible for a large number of extrajudicial, summary or arbitrary executions of members of the Hutu.

146. According to the information that has come before the Special Rapporteur, in many instances human rights abuses by the security forces take place in reprisal for violent attacks by the illegal Hutu People's Liberation Party (PALIPEHUTU), which was set up by Hutu exiles in the early 1980s to campaign against Tutsi domination. The Special Rapporteur also received information about the execution of the death penalty against PALIPEHUTU supporters, allegedly after trials which did not conform to the internationally recognized fair trial standards.

Communications sent by the Special Rapporteur:

147. The Special Rapporteur transmitted to the Government of Burundi allegations according to which at least 55 persons had suffered violations of their right to life. One case allegedly constituted a violation of the right to freedom of opinion and expression.

Urgent appeals

148. The Special Rapporteur sent an urgent appeal to the Government of Burundi after he had received information according to which the following five people were sentenced to death in Bujumbara in two trials on 5 and 6 July 1992, in connection with the activities of PALIPEHUTU: Bénoit Ndikumana, Athanase Ndereyimana, Thomas Barwihigire, Ernest Nshirmirimana and Antoine Ntirabampa, Vice-President of PALIPEHUTU. According to the source, none of those tried had legal representation or were given an adequate opportunity to defend themselves. It was alleged that statements extracted from the defendants under torture may have been used as evidence to convict them (22 July 1992).

Other allegations

149. The Special Rapporteur transmitted to the Government of Burundi allegations he had received according to which more than 50 persons may have lost their lives as victims of extrajudicial, summary or arbitrary executions (31 August 1992):

(a) Rénovant Ndikumana, a journalist for the Burundi News Agency, was reportedly arrested by the military together with 13 other members of the Hutu ethnic group in late November 1991. He was said to have been shot dead at a military camp in Bujumbara. Reportedly, those responsible have not been brought to justice;

(b) At least 30 people were said to have been killed when soldiers opened fire, apparently without provocation, on a group of people in Citiboke on 27 November 1991. The incident was said to have been a reprisal for violent attacks by PALIPEHUTU in November 1991 which reportedly led to the death of several Tutsi;

(c) Antoine Muhitira and 13 other people reportedly "disappeared" after being arrested and taken in military custody in late November and early December 1991 in Bujumbara. Antoine Muhitira was reportedly held at Gatumba barracks. Different sources had expressed concerns that he and the other detainees may have been extrajudicially executed.

Communications received from the Government

150. At the time of the preparation of the present report, no communications had been received from the Government of Burundi.

Follow-up on allegations transmitted in 1991

151. The Special Rapporteur sent a letter to the Government of Burundi following up on an urgent appeal transmitted to that country in 1991, for which no reply had been received (see E/CN.4/1992/30, paras. 85-87).

Cambodia

152. The Special Rapporteur has received information according to which human rights abuses, including extrajudicial, summary or arbitrary executions, occurred in Cambodia during demonstrations that took place in Phnom Penh between 17 and 21 December 1991. The Special Rapporteur has also received reports about politically motivated violence against persons publicly opposing the Government, including some former prisoners who had been released after a Peace Agreement was signed in October 1991 by four Cambodian parties and representatives of 18 other countries.

Communications sent by the Special Rapporteur

153. The Special Rapporteur transmitted to the Government of Cambodia allegations according to which the Cambodian security forces had used excessive force, causing the death of at least 10 civilians, including one minor, and injuring many others during the demonstrations in December 1991 in Phnom Penh. Those reported killed are: Kim Phy (17), Yin Taorm, Mock Paeng, Tang Long and six unidentified persons. Reportedly, none of the demonstrators, who were protesting against corruption and against the arrest of students by the police, had been equipped with firearms, nor had any of those killed used Molotov cocktails. It was further reported that the Government did not carry out a full investigation into the incident and that no legal action was taken against the security forces personnel involved in the killings (18 September 1992).

154. The Special Rapporteur also communicated to the Government of Cambodia the case of Tea Bun Long, an official of the Cambodian Government, who was killed on 22 January 1992 in Phnom Penh, allegedly for having protested against corruption in the country's administration and criticized Chea Sim, the President of the National Assembly of Cambodia. It was also reported to the Special Rapporteur that Tea Bun Long had been involved in plans for founding a new opposition party. His assassination was said to have been politically motivated.

155. Copies of these allegations were sent to the United Nations Transitional Authority in Cambodia (UNTAC).

Communications received from the Government

156. At the time of the preparation of the present report, no communications had been received from the Government of Cambodia.

Cameroon

157. The reports and allegations that have come before the Special Rapporteur indicate that since November 1991 as many as 70 common-law prisoners held on death row in Section II of the Tcholliré prison camp in Northern Cameroon had died as a result of malnutrition and medical neglect.

158. A report published in the national press in late June 1992 by the National Commission for Human Rights and Freedoms, a human rights organization established by the Government, confirmed that prisoners throughout Cameroon were kept in overcrowded and insanitary conditions, with an inadequate diet, without separate facilities for sick inmates, and that epidemics of scabies, tuberculosis and bronchitis were frequent. This Commission further reported that at Tcholliré II over 130 prisoners under sentence of death were kept in chains, day and night, unable to leave their cells for exercise or fresh air, and that there was no medical care available, which meant that ill prisoners either recovered without treatment or died. It was alleged that these conditions at Tcholliré II might be a deliberate method of provoking the death of inmates, or at least the result of very serious negligence on the part of the Cameroonian authorities.

Communications sent by the Special Rapporteur

159. In the light of the reports about the situation in Tcholliré prison camp, and after receiving further reports that up to 30 inmates suffering from tuberculosis were in a critical state of health, the Special Rapporteur sent an urgent appeal to the Government of Cameroon (7 August 1992).

160. The Special Rapporteur sent a second urgent appeal to the Government of Cameroon after receiving reports indicating that the life of Victorin Hamami Bieuleu, leader of the Union of Democratic Forces of Cameroon (UFDC), was in serious danger. Although suffering from diabetes and in a deteriorating state of health, Mr. Bieuleu, who was said to be held in detention at the General Gendarmerie station in Yaoundé, was reportedly denied medical treatment and supplied only with insufficient and inadequate food. Fears were also expressed with regard to the situation of another detainee, Nyo Wakai, former President of the Supreme Court (17 November 1992).

161. On the same lines, the Special Rapporteur intervened on behalf of Alhadji Umaru Sakini and Joseph Ekosene, leader of UFDC, whose lives were also reported to be in danger (19 November 1992).

Communications received from the Government

162. At the time of the preparation of the present report, no communications had been received from the Government.

Chad

163. The reports and allegations that have come before the Special Rapporteur indicate that, following decades of civil war in the country, the demobilization of thousands of armed soldiers had led to an increase in criminal offences involving firearms, including murder and assault, as well as in alleged extrajudicial, summary or arbitrary executions of opponents and critics of the Government. Several hundred people, among them members of opposition movements, members of former President Habré's Government and human rights workers, were reported to have been extrajudicially executed by members of the security forces since President Idriss Débry came to power in December 1990. Different observers have suggested that one of the factors contributing to the violence could be tensions between the Zaghawa and Hadjerai ethnic groups, the respective power bases of the present and previous governments.

Communications sent by the Special Rapporteur

164. The Special Rapporteur transmitted to the Government of Chad allegations he had received concerning the violation of the right to life of 52 persons. By sending two urgent appeals, he intervened on behalf of five persons. The remaining 47 cases were sent in a separate letter. The Government replied to the first urgent appeal.

Urgent appeals

165. The Special Rapporteur sent an urgent appeal to the Government of Chad after receiving reports according to which Ahmed Seid Ali, Bisso Mahmadou, Director of the State-owned Chadian Electricity and Water Company, and Moussa Mahamat, founding member of the opposition Rally for Democracy and Progress (RDP), had been shot on 11 January 1992 by members of the Chadian security forces, including the security police unit known as Centre for Investigation and Coordination of Intelligence (CRCR), because they protested against their arrest, at night, by armed men who had no arrest or search warrants. In addition to the above three deaths, members of the security forces allegedly killed RDP activists who were reportedly targeted because of their peaceful opposition to the Government (30 January 1992).

166. The Special Rapporteur sent another urgent appeal to the Government of Chad after receiving information that Daoud Ahmat Cherif and Awat Abdou, both members of the Chadian security forces, had been sentenced to death for murder by a special military court on 18 August 1992. It was alleged that they had not been granted the right of appeal to a higher court and that their execution in public was imminent (14 September 1992).

Other allegations

167. The Special Rapporteur transmitted to the Government of Chad information he had received concerning the alleged extrajudicial, summary or arbitrary execution of at least 47 persons, including the following (31 August 1992):

(a) Assali Adil, Gabriel Belel, Dabon Mahamat and Etenna Issa, who were reportedly arrested on 13 October 1991 by members of the Chadian security forces, allegedly solely for their membership of the Hadjerai ethnic group. In the light of reports that at least 40 persons of the same ethnic origin had been extrajudicially executed by soldiers loyal to the Government, it was feared that they, too, might have been killed;

(b) Joseph Behidi, lawyer and Vice-President of the Chadian Human Rights League, who was shot dead on 16 February 1992 by two off-duty soldiers, allegedly because he had defended the weekly newspaper N'djamena Hebdo against libel charges filed by the army;

(c) Goukouni Guet, leader of the Movement for Democracy and Development, and Ahmet Saker Bidon, former Assistant Secretary of State for Foreign Affairs, who were reported to have been forcibly expatriated from Nigeria along with more than 40 other Chadian nationals in February 1992. In March 1992, the two were reported to have been extrajudicially executed by members of the Chadian security forces.

Communications received from the Government

168. The Government of Chad provided the Special Rapporteur with information in reply to his urgent appeal concerning the alleged killing by the Chadian security forces of three persons on 11 January 1992 (see above, para. 165): On 8 and 11 January 1992, the security forces indeed took in 18 persons for questioning. Despite the warnings, some of those persons responded with the use of firearms, which resulted in the death of one police officer. The other members of the security forces were forced to return the fire in order to defend themselves. Mahmadou Bisso, Mahamat Seid Ali (not Ahmed Seid Ali) and Moussa Ali (not Moussa Mahamat) were killed. The Government of Chad published the list of those killed and of those arrested, who were released on 24 January 1992 along with all other political prisoners (10 February 1992).

Follow-up on allegations transmitted in 1991

169. The Special Rapporteur sent a letter to the Government of Chad following up on allegations transmitted in 1991, for which no reply had been received (see E/CN.4/1992/30, paras. 89-90).

Chile

Communications sent by the Special Rapporteur

170. The Special Rapporteur sent an urgent appeal to the Government of Chile after he had received allegations according to which members of the Committee for the Defence of the Rights of the People (CODEPU) had received death

threats on 29 January 1992. Reportedly, on that day members of a paramilitary group called "Nationalist Combat Front" had broken into the CODEPU offices in Santiago de Chile. After the assault, CODEPU had reportedly received nine threatening telephone calls from the same group (7 February 1992).

Communications received from the Government

171. At the time of the preparation of the present report, no communications had been received from the Government of Chile.

China

172. The information that has come before the Special Rapporteur indicates that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in China.

173. Several reports concerned the practice of the death penalty in China. Death sentences are said to be announced at mass sentencing rallies following trials which reportedly do not conform to the internationally recognized fair trial standards. In particular, defendants reportedly do not always have access to legal counsel, and if lawyers are available, they are said to have only one or two days in which to prepare the defence. Often, death sentences were said to be decided in advance of the trial by so-called "adjudication committees" whose decision was seldom challenged by the courts. In an increasing number of cases, capital punishment was said to have been imposed, and executed, for economic crimes.

174. The Special Rapporteur also received information regarding continuing acts of violence by security forces leading to the death of Tibetans and members of the Roman Catholic Church. In this context, the Special Rapporteur would like to refer to the report presented to the Commission on Human Rights at its forty-eighth session by the Special Rapporteur appointed by the Commission in its resolution 1986/20 (E/CN.4/1992/52), which deals with questions of intolerance and discrimination based on religion or belief.

Communications sent by the Special Rapporteur

175. The Special Rapporteur transmitted to the Government of China information concerning the alleged extrajudicial, summary or arbitrary execution of 40 persons. Two cases allegedly constituted violations of the right to freedom of opinion and expression, religion and peaceful assembly. By sending an urgent appeal, he intervened on behalf of three persons. The remaining 37 cases were sent in a separate letter. The Government replied to all allegations.

Urgent appeals

176. The Special Rapporteur sent an urgent appeal to the Government of China after receiving reports about the imminent execution of Li Wenhua, Liu Shulan and Hang (or Huang) Xuncai, who had reportedly been sentenced to death on 23 January 1992 by a court in Beijing for economic offences, including

embezzlement. It was reported that they had 10 days to lodge an appeal against this sentence before the Beijing Higher People's Court (4 February 1992).

Other allegations

177. The Special Rapporteur transmitted to the Government of China the following allegations of the extrajudicial, summary or arbitrary execution of 37 persons (31 August 1992):

(a) Thirty-five men and women were reportedly executed immediately after having been tried and sentenced to death for drug-related offences in a public stadium packed with 40,000 people. The trial procedures were said to have fallen short of minimum international standards for fair trial, in particular with regard to the guarantees of a proper defence;

(b) Bishop Joseph Fan Cueyan, aged 86, a leading figure among Chinese underground catholics, reportedly died in police custody on 13 April 1992. It was alleged that he had been subjected to severe torture;

(c) One monk from Drepung Monastery reportedly died in Gutsa Prison, Tibet, on 7 May 1992, allegedly after having been subjected to severe beating and torture. He was said to have been arrested by members of the security forces together with nine monks from Gaden Monastery when marching round the Jhokhang Tempel with a Tibetan flag.

Communications received from the Government

178. The Government of China replied to the allegations transmitted by the Special Rapporteur in 1992.

179. In response to the urgent appeal, the Government supplied the following information: Li Wenhua, Pang Shuncai (not Hang Suncai) and Liu Shulan were sentenced to death for corruption and accepting bribes, in conformity with the Chinese Penal Code and the Supplementary Regulations on Suppression of the Crimes of Corruption and Bribery. Their sentences had been handed down, in accordance with the procedure laid down by Chinese law, after investigation, prosecution and open trial in the people's courts providing for ample rights to defence, which were fully exercised by the defendants. All three had lodged appeals with the Beijing's Municipal People's Higher Court. At the time of the reply (27 April 1992), the Court was hearing those appeals. The ratification of a death sentence in the first or second instance for economic offences was mandatory before capital punishment could be carried out. The conviction of the three defendants was handed down in accordance with Chinese law and was consistent with the International Covenant for Civil and Political Rights and the Safeguards guaranteeing protection of the rights of those facing the death penalty approved by the Economic and Social Council on 25 May 1984 (27 April 1992).

180. In reply to the other allegations, the following information was sent by the Government:

(a) Four lamas (not 10) from Ganden (not Gaden) monastery had staged an unlawful incident in the streets of Lhasa and were removed from the scene by the Lhasa public security forces, in accordance with Chinese law. That one lama from Drepung monastery had died in Gutsa prison as a result of torture was pure rumour;

(b) Smuggling, peddling, transporting or manufacturing opium in quantities of 1,000 grams or more, heroin in quantities of 50 grams or more, or other narcotics in large quantities, were punishable under Chinese law by 15 years' imprisonment, life imprisonment or the death penalty. The 35 traffickers tried and sentenced to death in Kunming had dealt in and transported narcotics in large quantities. Their offences had been investigated, and the evidence was reliable. Hearings were conducted in accordance with trial procedures as established in the law, and the verdict was reviewed before the final judgment was delivered by the Yunnan People's Higher Court. There was no question of summary or arbitrary execution;

(c) Bishop Fan Xueyan had been imprisoned from 1983 to 1987, when he was released on parole. In April 1992, he was admitted to hospital with pneumonia and other illnesses. Attempts to rescue him failed. Claims that he was tortured to death were completely untrue.

181. The Government of China reiterated that extremely strict limits were imposed on the use of the death penalty in China, which was only applied to the most heinous criminals. Any final sentence of a court of second instance in a capital case tried in a court other than the Supreme People's Court had to be referred to the People's Supreme Court or to a people's high court duly empowered by the Supreme Court, for a thorough review of facts, evidence, verdict, sentence and trial procedure. Only after ratification did the sentence acquire legal force. Detection of a possible error, even after ratification, led to a stay of execution (26 October 1992).

Follow-up on allegations transmitted in 1991

182. In reply to the allegations transmitted by the Special Rapporteur in 1991, the Government of China replied that there were no summary or arbitrary executions in China. There were narrow restrictions on the application of the death penalty, which was only imposed on a small number of highly vicious elements for grave breaches of Chinese criminal law. Death sentences were also subject to stringent review procedures. Upon investigations into allegations of Tibetans being tortured to death, it had been concluded that these were sheer fabrications. No religious figures had died under torture. (See E/CN.4/1992/30, paras. 91-98.)

Observations

183. The Special Rapporteur appreciates the will to cooperate shown by the Government of China by providing replies to all allegations transmitted both in 1991 and 1992. However, it must be noted that there are remarkable

contradictions between the general denials contained in the replies of the Government of China concerning those allegations, and the precise and detailed allegations he had received from credible non-governmental sources. Consequently, the Special Rapporteur considers that it would not be possible to arrive at any conclusions as to the merits of these allegations without receiving more information concerning the factual aspects of these cases. The Special Rapporteur therefore decided to write to the Government of China, indicating that he would be prepared to undertake a visit to the country, should the Government issue an invitation.

184. In so far as the application of the death penalty is concerned, the Special Rapporteur is especially concerned by the large number and broad range of offences subject to capital punishment. In one of its replies, the Government of China cited the 1979 Penal Code, according to which some 21 offences are punishable with death, including intentional homicide, aggravated rape, inciting a riot leading to death, disability or personal injury, robbery, arson leading to death or serious injury or major destruction of property and sabotage of public transport or utilities, as well as 13 "crimes of counter-revolution". Moreover, subsequent decisions of the Standing Committee of the National People's Congress have made many more offences subject to the death penalty, among them fostering prostitution, traffic in persons, sale or production of pornographic books, smuggling (previously punishable by 3 to 10 years' imprisonment) and theft or export of cultural relics (previously punishable by imprisonment of 10 years to life).

Colombia

185. The reports and allegations that have come before the Special Rapporteur indicate that excessive and arbitrary use of force by security forces as well as paramilitary groups and civilian "death squads" purportedly collaborating with them, so-called "social cleansing" activities and violence by the guerrilla and armed groups cooperating with drug traffickers are the main causes for the persisting human rights violations, including extrajudicial, summary or arbitrary executions, in Colombia.

186. After the formal surrender of weapons in March 1990 by the "Movimiento 19 de Abril", three more guerrilla organizations began talks with the Government and demobilized their troops, handing over their weapons, in early 1991: the Popular Liberation Army (EPL), the Revolutionary Workers' Party and the indigenous peoples' organization Quintín Lame. A Commission on Ways to Overcome Violence was established to study the roots of violence in the regions where these three insurgent groups had been active. On 4 July 1991, a new Constitution containing extensive references to human rights was introduced and the state of siege, in force since 1984, was lifted.

187. Nevertheless, conditions for the continuation of human rights violations still exist. The failure, in May 1992, of peace negotiations which had started on 25 June 1991 between the Government and the Simón Bolívar National Guerrilla Coordinator (CNGSB), a coordinating body of the oldest and largest guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN) and a dissident faction of EPL, reportedly led to an intensification of the armed conflict and an increase in violence.

Between 10 and 16 July 1992, a state of conmoción interna (internal unrest) was imposed for six days in the entire country after a rise in terrorist activities by subversive groups and drug traffickers. A recrudescence of guerrilla activities was again reported after the celebration of Columbus' discovery of America in October 1992. On 8 November 1992, the Government again imposed the state of conmoción interna.

188. As in former years, several human rights organizations drew the attention of the Special Rapporteur to the persisting and alarming trend of extrajudicial killings in Colombia against the background of ongoing political violence in the country. During the first six months of 1992, more than 1,200 people were said to have been killed for political reasons or in so-called "social cleansing" activities. A large number of trade unionists, human rights workers, civic community workers and members of legal leftist parties, in particular the Patriotic Union (UP), were said to have been among the victims of politically motivated executions and death threats.

189. A large number of deaths were allegedly caused by excessive and arbitrary use of force by State agents. The armed forces, the police and various paramilitary groups and civilian "death squads", many of them reportedly operating under the command or with the support of the Colombian security forces, were said to be responsible for many extrajudicial, summary or arbitrary killings. In particular, the Special Rapporteur received information concerning a high number of civilian casualties caused by the activities of paramilitary groups created and trained by the armed forces to cooperate with military units in counter-insurgency operations. Together with special counter-insurgency units of the armed forces, the so-called mobile brigades, these paramilitary forces are said to be responsible for a number of civilian deaths in rural areas where guerrilla groups are still active, such as the regions of Magdalena Medio (ELN) and Uríbe/Meta (FARC). Allegedly, all the inhabitants of such zones are considered by the military as potential supporters of the guerrilla and are therefore subjected to human rights violations, including execution.

190. The Special Rapporteur also continued to receive reports concerning so-called "social cleansing" killings, that is, executions of prostitutes, beggars, street children, mentally deficient and other "socially undesirable" persons by death squads, which are often said to collaborate with the police.

191. About 30 per cent of the attempts against lives in which the perpetrators could be identified were attributed to guerrilla activities. Violence arising out of drug trafficking, in particular, in the form of killings perpetrated by armed irregular groups, also called "private justice" groups, acting under the auspices of drug traffickers, also contributed to the persisting phenomenon of violations of the right to life.

192. The Special Rapporteur was further informed that in most cases those responsible for human rights abuses were not brought to justice. According to the reports received, this applies in particular to the "mobile brigades", which allegedly act with total disregard for the lives of civilians and enjoy virtual impunity. Figures published by the Office of the Attorney-General of the Nation in September 1991 indicate that from January 1990 to April 1991

only a small number of armed forces or police personnel were sanctioned in disciplinary proceedings relating to more than 760 complaints of homicide and threats whose potential or proven authors were law enforcement officials: lists of charges were drawn up against 72 officials; 43 were punished, and in 8.1 per cent of the proceedings an official disciplinary inquiry was opened into complaints of homicide; 4 members of the National Police and the armed forces were convicted for multiple homicide, 12 others were found guilty of threats. However, since late August 1992, some steps appear to have been taken towards investigation of human rights abuses: reportedly, judicial proceedings have been initiated against several members of the army and the police.

Communications sent by the Special Rapporteur

193. The Special Rapporteur transmitted to the Government of Colombia allegations he had received concerning the violation of the right to life of more than 215 persons. In three cases, the victims were said to be minors. Twenty-one cases allegedly constituted violations of the right to freedom of opinion and expression, religion or peaceful assembly and association. By sending 13 urgent appeals, the Special Rapporteur intervened on behalf of more than 32 persons. Allegations concerning violations of the right to life of a further 177 people were transmitted in a separate letter. The Government replied to nine of these cases.

Urgent appeals

194. The Special Rapporteur sent urgent appeals to the Government of Colombia after receiving reports concerning death threats and attempts on the lives of the following persons, reportedly for their membership of, or links with, human rights organizations, political groups or trade unions.

195. On 15 January 1992, Fabio Velásquez and his two sons, Luis Fernando (17) and Oliverio, were reportedly abducted by armed men allegedly linked to the Colombian security forces at Puente Iglesia, Tarso, Antioquía. The corpses of Fabio and Luis Fernando Velásquez were said to have been found some days later. Fears were expressed that Oliverio Velásquez, whose whereabouts were not known, might also be at risk of execution (6 February 1992).

196. Blanca Cecilia Valero de Durán, a secretary of the Human Rights Commission (CREDHOS) of Magdalena Medio, was reportedly assassinated on 29 January 1992 in Barrancabermeja. The President of CREDHOS, Jorge Gómez Lizarazo, was said to have been subjected to death threats by paramilitary groups (7 February 1992).

197. A group of soldiers identifying themselves as members of the Intelligence Battalion "Charry Solano" reportedly searched the home of Hernando Cruz Modesto during his absence, asking his children about the whereabouts of their father and several other persons, including Hernando Cruz Modesto's brother, a leader of the National Farm Workers' Association (ANUC), on 15 February 1992. Hernando Cruz Modesto had allegedly suffered two earlier attempts on his life by security forces personnel (24 June 1992).

198. César Chaparro Nivia, trade unionist and active member of UP, was reportedly detained by members of the Department of State Security (DAS) on 29 February 1992 and died on 4 March 1992, allegedly as a consequence of torture inflicted upon him during interrogations at a DAS base in Bogotá. His wife, Margarita Agudelo Alzate, and her brother, Hernando Agudelo Alzate, were said to have been subjected to death threats after reporting his death to the Colombian Procurator General (24 June 1992).

199. Leonardo Salazar Portilla, Juan Gustavo Zuluaga, Carmen Eliza Pereira, Carlos Arturo Ramos Minota and William Javier Almario Alvarez, all members of the Movement of Socialist Renewal (CRS), were reportedly detained and executed by members of the security forces on 15 April 1992. Fears were expressed that a sixth person arrested, Aldemar Rodríguez Carvajal, whose whereabouts were unknown, might also be in danger of execution (25 June 1992).

200. In connection with the recrudescence of violence in mid-1992, it was reported that the Albergue Campesino de Barrancabermeja, a hostel for the temporary housing of displaced families of the Magdalena Medio region, had had to be closed in July 1992 after repeated death threats and acts of harassment and intimidation against its inhabitants by paramilitary forces linked to the XIV Brigade of the Colombian armed forces. A woman named Elvira María Córdoba Quintana, who allegedly had been forced to work for a paramilitary group and identified those responsible for the threats against the Albergue, was found dead on 19 May 1992 (21 July 1992).

201. Death threats and attacks made against members of CREDHOS, including Jorge Gómez Lizarazo, Rafaél Gómez Serrano and Joel Quiroga, were again reported in June 1992. Moreover, a former member of CREDHOS, Julio César Berrio Villegas, was said to have been killed by unknown gunmen linked to the security forces on 28 June 1992 (28 July 1992).

202. Raquel Judith Bernal Dueñas, a UP activist, and her brother Jorge Ernesto Bernal Dueñas, a teacher and trade unionist, reportedly suffered acts of intimidation and received death threats from members of the State security forces in October 1992 (29 October 1992).

203. Several national leaders of the opposition parties UP and Colombian Communist Party (PCC), including Manuel Cepeda Vargas, Aída Abella and Alvaro Vásquez del Real, reportedly received death threats on repeated occasions during October 1992. Allegedly, UP had been informed that a paramilitary group based in Puerto Boyacá, Santander, had been contracted to assassinate leaders of both parties (3 November 1992).

204. The Special Rapporteur sent another urgent appeal to the Government of Colombia after receiving information that members of the police and the military had opened fire indiscriminately and without provocation at participants in a demonstration held by farmers and indigenous people at Río Blanco, near Popayán, Cauca, on 8 October 1992 (29 October 1992).

205. Two cases transmitted by the Special Rapporteur to the Government of Colombia concerned death threats against, and the execution of, civilians in the context of counter-insurgency operations carried out by the military and paramilitary forces cooperating with them:

(a) Olivia Ballona and Avelino Domínguez, both regional leaders of ANUC in San Vicente de Chucurí, reportedly received death threats after reporting, in July 1992, to the local authorities acts of harassment and intimidation committed against farmers in the region by members of the Second Mobile Brigade of the Colombian Army and paramilitary forces acting under their command. During counter-insurgency operations, the farmers were allegedly threatened with death if they did not pay "taxes" to finance paramilitary groups or participate actively in paramilitary patrols. In September 1992, Octavio Sierra, a farmer resident in Pamplona, San Vicente de Chucurí, was reportedly threatened with death by members of the Second Mobile Brigade if he did not leave the region (15 October 1992);

(b) On 2 October 1992, Héctor Audelo Chaparro, Reynaldo Riveros Chaparro and Ismael Amaya were reportedly executed at Toquilla, Aquitania, Boyacá, by a military patrol from the Tarqui Battalion based in Sogamoso. The soldiers were said to have arrived at the village with a list of 10 persons, all employees of a construction firm, among them Rosa Alvarado, Manuel Abella, Humberto Preciado and Dario Bonilla. Before leaving, the soldiers reportedly painted slogans on the walls according to which the FARC had carried out the operation (15 October 1992).

Other allegations

206. The Special Rapporteur transmitted to the Government the following cases of alleged extrajudicial, summary or arbitrary executions in Colombia (31 August 1992):

(a) Carolina Tombe and 19 other members of the indigenous community El Paez (names may be consulted in the files of the Secretariat) were reportedly killed on 16 December 1991 at "El Nilo", Caloto, Cauca, by a group of armed men. An investigation into the case by DAS was said to have confirmed the involvement of National Police agents in the case;

(b) Carlos Edgar Torres Aparicio, Rodolfo Alvarez, both lawyers, and the anthropologist Etnio Vidardo, all three participating in an independent investigation of the massacre at "El Nilo" on 16 December 1991, were reportedly killed on 8 January 1992 at their homes in Cali, Valle, by armed men, allegedly linked to the State security forces;

(c) Héctor Serrano Rocha was reportedly killed on 8 March 1991 by soldiers from a military patrol who detained him and took him to the military camp "El Triunfo" at El Mango, La Esmeralda, Arauca, where they tied him to a pole and fired on him;

(d) Carlos Guegia was reportedly killed on 5 June 1992 at Restrepo, Valle del Cauca, by three armed men who had asked him his name. Allegedly, he had previously received death threats from members of the National Police;

(e) Wilmar Andrés Cardona (14) was reportedly found dead on 21 July 1992 at Canteras de Colombia. After being injured by a taxi-driver, he was said to have been taken to the Santander Military Base in Medellín, where he was allegedly killed.

207. The following cases concern deaths of civilians that were reported to the Special Rapporteur in the context of counter-insurgency operations (31 August 1992):

(a) Marta Cecilia Ayure Quintero (11) and two alleged members of FARC were reportedly killed on 13 May 1992 during an attack by members of the First Mobile Brigade of the Colombian Army on the home of her family at Vereda Santander, Uríbe, Meta;

(b) Tomás Cerinza Tunarosa and Salvador Rodríguez, both students, were reportedly killed on 14 May 1992 by soldiers of a military patrol near Paz de Ariporo, Arauca, who accused them of being guerrilleros, allegedly solely because their identity cards showed that they came from Arauquita;

(c) Marlene de Jesús Giraldo was reportedly killed on 24 November 1991 during a military operation at Campo Vijao, Yondo, Antioquia.

208. The Special Rapporteur also transmitted to the Government of Colombia the following cases of alleged violations of the right to life in the context of strikes in April 1992 (31 August 1992):

(a) Employees of Telecom, the Colombian Telecommunications, were reportedly threatened with death by members of the National Police for their participation in a strike from 22 to 27 April 1992 in Bogotá, in protest against Government decisions affecting the firm;

(b) Joaquín María Caicedo Angulo, an employee of Telecom, was reportedly found dead after he had disappeared on 18 April 1992 from Boacha, Bogotá. Police involvement in his death was alleged;

(c) Luis Enrique Lazaro Uríbe and Luis Fernando León, both members of the Colombian Oil Workers' Union (ECOPETROL), were reported to be among more than 120 persons extrajudicially executed in the region of Barrancabermeja since the beginning of 1992, allegedly by elements linked to the State security forces. Of those killed, 45 were said to have belonged to the same trade union.

209. The following cases transmitted by the Special Rapporteur to the Government of Colombia concern the alleged extrajudicial, summary or arbitrary execution of eight persons for their membership of political parties, or human rights and other civic organizations (31 August 1992):

(a) Oscar Elías López, lawyer and legal advisor to the Cauca Regional Indigenous Council (CRIC), was reportedly killed on 29 May 1992 by unknown assailants allegedly linked to the State security forces. It was reported that he and other lawyers cooperating with CRIC had received death threats before;

(b) Hugo Varela Mondragón, lawyer and journalist, President of the National Body of Community Housing Organizations (CENPAVI) and former member of the peace negotiation commission established by ex-President Belisario Betancourt, was reportedly killed on 21 April 1992 in Palmira, Valle, by members of the F-2 Intelligence Unit of the Colombian Police;

(c) Five members of the town government of El Castillo, Granada, Meta, María Mercedes Méndez, William Ocampo Castaño, Rosa Peña, Pedro Agudelo and Ernesto Saralde, all members of UP, were reportedly killed on 3 June 1992 by members of the armed forces when they were on their way back to El Castillo from a meeting with the Governor of the Department and the Commander of the VII Army Brigade at which they had reported death threats they had received from the military;

(d) Ligia Patricia Cortez, a member of CREDHOS, Parmenio Ruiz, President of the San Silvestre Transport Company Drivers' Union, and René Tavera, a member of the ANUC, were reportedly assassinated on 30 July 1992 at a restaurant in Barrancabermeja by three unknown assailants, allegedly linked to the State security forces.

210. The Special Rapporteur transmitted to the Government of Colombia the following cases of alleged death threats and extrajudicial, summary or arbitrary executions in which it was alleged that judicial investigations had been closed and that those responsible had not been brought to justice (31 August 1992):

(a) Juan Alberto Garay, reportedly killed on 2 October 1991 at Umbria, Risaralda;

(b) David Florez González, Secretary-General of the Santander Teachers' Union, José Angel Lasso Sierra, President of the Arauca Teachers' Association (ASEDAR) and Urbano Barreto Arenas and Enrique Pertuz, members of ASEDAR, reportedly subjected to death threats.

Communications received from the Government

211. The Government of Colombia provided the Special Rapporteur with information on the following cases:

(a) Blanca Cecilia Valero de Durán, killed on 29 January 1992: all investigative mechanisms to identify the intellectual and material authors of her killing were activated. An exhumation of her body was carried out at Barrancabermeja, and the testimony of 25 people was taken. However, a strike from 29 to 31 January 1992 hindered the investigation, which was nevertheless being carried out by the Preliminary Investigation Unit of Barrancabermeja (18 February 1992);

(b) Jorge Gómez Lizarazo, Rafaél Gómez Serrano and Joel Quiroga of CREDHOS (see above, para. 201): personal protection was granted to them as of 10 February 1992 by DAS (18 February 1992). The Government of Colombia further informed the Special Rapporteur that the protection of Jorge Gómez Lizarazo and members of his family DAS had been reinforced in early

September 1992 and was now provided by four detectives of DAS and four agents of the Fiscalía Regional del Cuerpo Técnico de Investigación. One detective was said to have been injured during an attack against Jorge Gómez Lizarazo on 11 June 1992 (22 September 1992);

(c) Fabio de Jesús Velásquez and his sons Luis Fernando and Oliverio Velásquez Parra (see above para. 195): investigations carried out by DAS had confirmed their arrest on 15 January 1992 by three armed men. Later, the bodies of Fabio de Jesús and Luis Fernando Velásquez were found with marks of bullet impacts. It was impossible to find out the whereabouts of Oliverio Velásquez Parra. Judicial investigations were continued (19 March 1992);

(d) Raquel Judith and Jorge Ernesto Bernal Dueñas (see above para. 202): the competent authorities had been requested to provide the protection required. The purported victims should specify why they affirmed that the telephone threats were made by security forces personnel, and they should contact the Defensoría del Pueblo (18 November 1992).

212. In addition, the Government of Colombia informed the Special Rapporteur that the imposition of the state of internal unrest on 8 November 1992 was necessary to prevent the escape from justice of people charged with serious crimes. Following the lifting of the state of siege, a large number of prisoners, including some involved in terrorist activities, were about to be released, contrary to special norms concerning the deprivation of liberty (10 November 1992).

213. Pursuant to Commission on Human Rights resolution 1992/42, the Government of Colombia supplied information about acts of violence leading to an increasing number of deaths of civilians and members of the security forces, committed by armed terrorist groups and armed irregular groups operating under the auspices of drug traffickers (see above para. 191).

Follow-up on allegations transmitted in previous years

214. The Special Rapporteur sent a letter to the Government of Colombia following up on allegations transmitted earlier as well as the recommendations made by the former Special Rapporteur after his on-site visit to that country in 1989. In this letter, the Special Rapporteur expressed his appreciation of the efforts made by the Colombian authorities to ensure the right to life by providing police protection to a number of persons under death threats. On the other hand, the Special Rapporteur also expressed his concern at reports about continued human rights violations, including extrajudicial, summary or arbitrary executions. In almost all cases, information supplied by the Government of Colombia seemed to indicate that, even when investigations were ordered and preliminary inquiries opened, in most cases those responsible were not sanctioned nor did the families of the victims receive any compensation. This is especially preoccupying since the conviction of the authors of executions is indispensable for bringing to an end the climate of impunity which constitutes one of the main problems in Colombia.

215. The Special Rapporteur requested the Government of Colombia to provide him with additional and updated information concerning the cases which, at the time of the reply, were still under investigation, as well as those for which no reply had been received so far from the competent authorities. The Special Rapporteur also conveyed to the Government of Colombia his availability for a second visit to the country to ensure the effective follow-up of the recommendations made after the first visit and to assist the authorities in their efforts to ensure effective protection of the right to life.

Cuba

216. The Special Rapporteur has received reports and allegations concerning extrajudicial, summary or arbitrary executions in Cuba. Several reports concerned cases of capital punishment after trials in which the defendants allegedly did not benefit from all the internationally recognized safeguards and guarantees for fair trial. Procedural shortcomings reportedly affected their right to adequate legal representation and to dispose of sufficient time to prepare their defence.

217. The Special Rapporteur has also received allegations concerning deaths due to the excessive use of force by members of the police and the military. Moreover, as in former years, he has continued to receive reports about death threats against human rights activists.

Communications sent by the Special Rapporteur

218. The Special Rapporteur transmitted to the Government of Cuba information he had received concerning the alleged violation of the right to life of 11 persons. Two cases allegedly constituted violations of the right to freedom of opinion and expression and peaceful assembly and association. By sending two urgent appeals, the Special Rapporteur intervened on behalf of five persons. The remaining six cases were sent in a separate letter. The Government replied to all allegations.

Urgent appeals

219. Both urgent appeals sent to the Government of Cuba regarded the alleged imminent execution of death sentences:

(a) Daniel Santovenia Fernández, Pedro de la Caridad Alvarez Pedroso and Eduardo Díaz Betancourt had reportedly been convicted of sabotage against the Government and sentenced to death on 11 January 1992 in a trial that was said to have lasted only seven hours (15 January 1992);

(b) Luis Miguel Almeida Pérez and René Salmerón Mendoza had reportedly been convicted of piratería (piracy) and murder and sentenced to death by a State Security Tribunal in Havana. It was alleged that their lawyers had not been independent (11 February 1992).

Other allegations

220. Three persons had reportedly died as a result of excessive use of force by law enforcement officials (31 August 1992):

(a) José Manuel Meja was reportedly killed in May 1992 when he passed the entrance of the military unit Vaca Muerta, San Antonio de los Baños, on his motorcycle in search of gasoline. It was alleged that the soldiers did not give a warning before shooting him in the back at close range;

(b) Bárbaro O'Reilly was reportedly killed by a policeman in Ciudad de Morón, Ciego de Avila, in October 1991. According to the source, he had reproached the policeman for beating a person;

(c) José Francisco González Campo was reportedly shot dead on 10 May 1992 by a police officer who had arrested him after a bicycle accident in the Parraga district of Havana.

221. One case transmitted by the Special Rapporteur to the Government of Cuba concerned the alleged death in custody as a result of torture of Angel Luis Merencio Pérez, who had reportedly been arrested in October 1991 in Ceballos, Morón, Ciego de Avila, when he could not present his identity card to a policeman who asked for it. His body allegedly showed marks of beatings. It was further alleged that the authorities did not open any investigation into the case.

222. The Special Rapporteur also transmitted to the Government of Cuba two cases in which human rights activists had reportedly received death threats (31 August 1992):

(a) Juan Betancourt Morejón, Secretary-General of the Cuban Human Rights Party (PPDHC), was reportedly approached in the street in Havana on 21 February 1992 by two men who held a revolver to his head and pulled the trigger, telling him that next time the gun would be loaded and that he should not continue his human rights activities. It was alleged that the assailants were linked to the State security forces;

(b) Jorge Amores Díaz, Vice-President of PPDHC, was reportedly threatened with death by two high-ranking State security officials who stopped him in the street in Havana in February 1992.

Communications received from the Government

223. The Government of Cuba provided the Special Rapporteur with replies to all the cases transmitted in 1992, sending him the following information.

Urgent appeals

224. Daniel Santovénia Fernández, Pedro de la Caridad Pedroso and Eduardo Díaz Betancourt were sentenced to death, after trial in which all procedural safeguards were respected, for propaganda enemiga (enemy propaganda), sabotaje (sabotage) and terrorismo (terrorism) and illegal entry into Cuba with the

intention of carrying out these crimes, in conformity with articles 103, 104, 105, 106 and 124 of the Cuban Penal Code. All three defendants benefited from legal representation. Their conviction was based on the declarations of three witnesses, the confiscation of weapons and explosives and their confessions in which they had admitted their responsibility. The death sentences of Daniel Santóvenia Fernández and Pedro de la Caridad Pedroso were commuted on appeal to 30 years' imprisonment. Eduardo Díaz Betancourt was executed (28 January 1992).

225. Luis Miguel Almeida Pérez and René Salmerón Mendoza were convicted of murder for piracy and sabotage and sentenced to death, in conformity with article 29 of the Cuban Penal Code. Both had legal representation chosen by their families. The death sentences were confirmed in the second instance. At the time of the reply, the cases were being heard by the State Council (24 February 1992).

Other allegations

226. None of the deaths reported was caused by extrajudicial, summary or arbitrary execution; they were isolated instances. Where excessive use of force by security forces personnel was established, those responsible were sanctioned in conformity with the law (6 November 1992):

(a) José Manuel Mija (not Meja) was surprised when he tried to steal gasoline and tried to run away towards other military zones to which access was prohibited. He did not obey orders to stop nor warning shots until he was finally reached by a bullet that caused his death;

(b) Bárbaro Herrada Diez (not O'Reilly) was killed when Sergeant Juan Carlos Ramos Escalero fired shots into the air during a discussion with a third person. One of these shots killed him. The sergeant was sentenced to 12 years' imprisonment, in conformity with Cuban law.

(c) Angel Luis Merencio Pérez was detained on 22 September 1991. He was injured during a fight with a fellow prisoner and died while being treated at a medical centre. The prisoner responsible for his death was sentenced to five years' imprisonment. Although not directly involved, one prison official, Eusebio Ríos González, was sanctioned for negligence in the process that led to Merencio Pérez' death;

(d) Juan Betancourt Morejón and Jorge Amores Díaz: the allegations were false. Betancourt Morejón left Cuba on 24 April 1992, Amores Díaz during the month of July 1992;

(e) José Francisco González Sampa tried to steal a bicycle on 10 May 1992 and was prevented from doing so by Police Sector Chief Juan González Rego. When he attacked the latter with a machete, the policeman fired a shot that killed him. A judicial investigation (case 335/1992) established that Juan González Rego had used excessive force in the exercise of his functions, and he was sentenced to three years' imprisonment.

Follow-up on allegations transmitted in 1991

227. The Special Rapporteur sent a letter to the Government of Cuba following up on the allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 133-137).

228. The Government of Cuba had provided replies to these allegations, indicating that judicial investigation had led to the conviction and imprisonment of several members of the security forces for excessive use of force, while others had been acquitted, having acted in legitimate self-defence. In two cases, it was stated that investigations were still under way. The Special Rapporteur requested the Government of Cuba to provide him with updated information, in particular concerning any decisions taken as a result of such proceedings and measures adopted as a consequence thereof.

Observations

229. The Special Rapporteur welcomes the willingness to cooperate shown by the Government of Cuba by providing him with detailed information in reply to all allegations transmitted both in 1991 and 1992. The Special Rapporteur has noted with satisfaction that judicial investigations have been carried out in most of the cases, leading to the conviction and imprisonment of law enforcement officials who had used excessive force. As concerns the application of the death penalty, the Special Rapporteur has transmitted the replies provided by the Government of Cuba to the sources that had alleged irregularities in the trial procedures, asking them to forward comments and observations. A full assessment of these cases will be presented to the Commission on Human Rights at its fiftieth session.

Dominican Republic

Communications sent by the Special Rapporteur

230. The Special Rapporteur sent an urgent appeal to the Government of the Dominican Republic after he had received information according to which the police had used lethal force against demonstrators in Santo Domingo. Rafaél Efraín Ortiz, the President of the Dominican Human Rights Committee, was reportedly killed on 20 September 1992 and one 17-year-old youth on 23 September 1992 (27 October 1992).

Communications received from the Government

231. At the time of the preparation of the present report, no communications had been received from the Government of the Dominican Republic.

Follow-up on allegations transmitted in 1991

232. The Special Rapporteur sent a letter to the Government of the Dominican Republic following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, para. 139).

Egypt

Communications sent by the Special Rapporteur

233. The Special Rapporteur has received reports according to which three men were killed in the village of Bassarta, Governorate of Domyat, in late December 1991 or early January 1992. Allegedly, Central Police troops had been surrounding the village since 24 December 1991. The Special Rapporteur transmitted these cases to the Government of Egypt. The names of the persons killed were reported to him as follows: Ez El Din El Ashar, Eid El Shabrawi and Taha Lofti El Genadi.

Communications received from the Government

234. The Government of Egypt informed the Special Rapporteur that the three aforementioned persons formed part of a group of 20 terrorist extremists who had attacked two coffee-houses and a furnishing store in the town of Damietta on 12 December 1991 and attempted to kidnap the son of one of the officers responsible for monitoring and dealing with terrorist extremist activities on 19 December 1991. On 25 December 1991, the police were informed that the wanted fugitives were hiding in a house near the village of Al-Basar Taha near Damietta. Police units surrounded the house. The terrorists opened fire on them and threw explosives, injuring one policeman and forcing the police to take action against them. Izz ed-Din Muhammad al-Ashgar, Taha Lutfi al-Junaidi and Eid al-Shubrawi Fath al-Bab were killed. The Department of Public Prosecutions conducted an investigation and decided to refer the matter to the Criminal Court, which recognized the lawfulness of all measures taken by the law enforcement agencies.

235. The Government of Egypt also informed the Special Rapporteur about the constitutional, legal and international safeguards for human rights and freedoms in Egypt and referred, in particular, to the inspection and control of the conduct and behaviour of law enforcement officials of the Ministry of the Interior. It was also stated that allegations of human rights abuses made in reports of international and regional organizations were investigated by a joint committee of the ministries and other governmental bodies, and that all the various branches of law were taught at the Egyptian Police Academy, where a separate department had been established for studies and research on human rights (23 November 1992).

Follow-up on allegations transmitted in 1991

236. The Special Rapporteur sent a letter to the Government of Egypt following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991 for which no reply had been received from the Government (see E/CN.4/1992/30, paras. 143-144).

El Salvador

237. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in El Salvador despite the signing of a peace agreement on 16 January 1992 and the subsequent cessation of hostilities after 12 years of armed conflict between the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN), which caused more than 75,000 deaths.

238. According to the peace agreement, the FMLN agreed to demobilize its forces in exchange for a wide range of political, electoral, military, judicial and socio-economic reforms and the creation of new mechanisms for the protection of human rights. During the third round of negotiations, held in San José, Costa Rica, from 20 to 26 July 1990, the Government and FMLN signed a human rights agreement by which the two parties undertook to respect elementary human rights. The agreement also provided for the establishment of an international verification procedure within the framework of a United Nations mission. Pursuant to the San José Agreement of 26 July 1990, the Salvadorian armed forces have established various procedures governing arrest and the rights of detainees. Furthermore, members of the armed forces and the security forces continued to receive regular instruction on human rights and international humanitarian law applicable in armed conflicts.

239. During a further round of negotiations in Mexico City from 4 to 27 April 1991, agreement was reached concerning amendments to several articles of the Salvadorian Constitution with a view, inter alia, to strengthening respect for and protection of human rights. The establishment of a National Civil Police under the control of civilian authorities was agreed on, as well as the institution of a Commission on the Truth to investigate serious acts of violence that have occurred since 1980. This Commission was established on 13 July 1992. It will deliver its report on 13 January 1993. The Ombudsman for Human Rights started his activities on 27 July 1992.

240. Nevertheless, the Special Rapporteur continued to receive allegations concerning violations of the right to life. Reportedly, between January and May 1992, the Human Rights Division of the United Nations Observer Mission in El Salvador (ONUSAL) received allegations concerning the death of 105 persons. Deaths that occurred in the western and central regions of El Salvador were often attributed to excessive and arbitrary use of force and firearms by members of the Servicio Territorial (Territorial Service), groups of armed civilians collaborating with the armed forces, and members of the now disbanded Civil Defence Forces. In other regions of the country, some of the killings reported to ONUSAL were said to be common crimes.

241. Despite the efforts made by the authorities, which included the disbanding of certain military units and security forces notorious for human rights violations, the Special Rapporteur received a number of reports concerning killings and acts of harassment and intimidation perpetrated by members of the security forces and so-called "death squads", allegedly created by or linked to the Salvadorian security forces or operating with their acquiescence. Members of trade unions, often accused by the security forces of being linked with the armed opposition, were repeatedly said to be targets of killings and threats. The Special Rapporteur also received allegations of violations of the right to life committed by members of the security forces against members and suspected supporters of FMLN. Members of FMLN were also reported to be responsible for a large number of killings and attempts against the lives of security forces personnel and civilians, often in the context of armed assaults.

242. In a large number of cases, it was reported to the Special Rapporteur that the Salvadorian authorities failed to investigate thoroughly alleged human rights abuses and identify and bring to justice those responsible. Several sources expressed their concern that this might undermine the effectiveness of the human rights-related reforms resulting from the peace accords.

Communications sent by the Special Rapporteur

243. The Special Rapporteur transmitted to the Government of El Salvador information he had received concerning violations of the right to life of 43 persons, including two minors; 14 cases allegedly constituted violations of the right to freedom of opinion and expression, religion, and peaceful assembly and association. The Special Rapporteur intervened on behalf of 19 persons by sending five urgent appeals; the remaining 24 cases were transmitted in a separate letter. The Government provided information regarding eight cases.

244. Copies of these allegations were made available to the Human Rights Division of ONUSAL, which, in turn, provided the Special Rapporteur with useful information. The Special Rapporteur has also received information regarding a number of cases of alleged extrajudicial, summary or arbitrary executions gathered by the independent Expert of the Commission on Human Rights on the situation of human rights in El Salvador during his visit to the country in September 1992. These cases are summarized in the interim report of the independent Expert to the General Assembly at its forty-seventh session (A/47/596). The Special Rapporteur transmitted these cases to the Government of El Salvador in November 1992, asking the authorities to provide him with information. Given the late date of transmittal, they will be included in his report to the Commission on Human Rights at its fiftieth session in 1994.

Urgent appeals

245. The Special Rapporteur sent four urgent appeals to the Government of El Salvador concerning death threats and attempts against the lives of the following persons:

(a) The following 11 members of the Protestant National Council of Churches (CNI) received written death threats on 7 January 1992 from a group called "Secret Army of National Salvation" for their alleged financial and logistical support to FMLN during the armed conflict: Victoriano Jimeno, Medardo Gómez, Hugo Magaña, Flora Carolina Fuentes, Carlos Nájera, Roberto Palacios, Julio César Grande, Ignacio Meza, Santiago Flores, Luis Serrano and Angel Ibarra. Roberto Palacios and Ignacio Meza had allegedly already been subjected to threats (28 January 1992);

(b) Death threats were reportedly made in late March 1992 against Lucía de la Paz Bonilla, mother of Nazario de Jesús Gracias, a trade unionist allegedly assassinated on 2 March 1992 by members of a death squad linked to the Salvadorian armed forces. Lucía de la Paz Bonilla reportedly received a visit by two armed men after she had been visited by members of ONUSAL who were investigating the case of her son (24 June 1992);

(c) Salvador Iván Ramírez, Conflicts Secretary of the National Trade Union Federation of Salvadorian Workers (FENASTRAS), was reportedly killed on 31 July 1992 and death threats made against other members of FENASTRAS, including its Secretary-General, Juan José Huezo, and Miguel Alfredo Ramírez. A death squad called "White Hand" was said to be responsible for the killing of Salvador Iván Ramirez, who had reportedly received death threats on several occasions since his return from exile in 1991 (21 August 1992);

(d) José Eduardo Pineda Valenzuela reportedly suffered an attempt against his life on 31 July 1992. Shortly before, José Eduardo Pineda Valenzuela had joined the office of the Ombudsman for Human Rights after having participated, in his capacity as member of the Human Rights Department of the Office of the Attorney General of El Salvador in the trial against nine members of the military accused of the murder of six Jesuit priests and two women in 1989. Reportedly, on 17 August 1992 the wife of José Eduardo Pineda Valenzuela, who was injured and remained partially paralysed after the attempt, was threatened with death by the same armed men if she cooperated with the investigators of the case. In the same urgent appeal, the Special Rapporteur expressed concern at reports about attempts against the life of Reyes Tomás Martínez Ramos, FMLN General Coordinator of the Usulután Reconstruction Commission, in July and August 1992 (14 September 1992).

246. The Special Rapporteur sent another urgent appeal to the Government of El Salvador after receiving information that on 23 October 1992 Cesar Vielman Joya Martínez had been extradited to this country by the authorities of the United States of America (see below para. 631) and was held at Mariona prison. Mr. Joya Martínez had repeatedly claimed to have been a member of the so-called "death squads" of the Salvadorian Army, and the information in his possession was said to incriminate various persons. Fears for his safety had been expressed (1 December 1992).

Other allegations

247. The Special Rapporteur transmitted to the Government of El Salvador the following allegations of the extrajudicial, summary or arbitrary execution of 24 persons (31 August 1992):

(a) José Samuel Fuentes Marroquín, by members of the National Police and soldiers of the Cavalry Regiment on 25 September 1991 in Lourdes, Colón, La Libertad. Allegedly, the Attorney General's Office has not responded to the denunciation of the case by the victim's mother;

(b) Francisco Antonio Ventura Vásquez and Marlene Cristina Méndez Vásquez, on 28 September 1991 by soldiers from Military Detachment No. 2 at Ciudad Sensuntepeque, Cabañas. Their bodies were said to have shown signs of torture;

(c) Wilfredo Guillén García, by a former member of the National Guard on 29 September 1991 in Lourdes, Colón, La Libertad. Allegedly, the murderer, who had been identified, was not arrested although an arrest warrant had been issued;

(d) Jorge Alberto Aguirre López, by members of the police on 4 October 1991 at the police prison El Congo, Cantón El Zacatal, Coatepeque, after having been arrested for deserting the army;

(e) Victor Eduardo Olmedo Escobar, on 18 December 1991 by members of the Marine Infantry Battalion (BIM) when he did not obey an order to stop at Acajutla, Sonsonate;

(f) Mauricio Santamaría, Jorge Alberto Alvarez Corvera and Carlos Hernández Paredes, on 20 December 1991 by soldiers from the Guzman Lara Battalion of the Cavalry Regiment, at Finca San Antonio, Talnique;

(g) Jorge Antonio Mejía Rivera, on 29 December 1991 by soldiers from the First Infantry Brigade at Cuscatancingo, San Salvador;

(h) Nicolás Rodríguez Rivera, when he got off a bus on 19 January 1992 at Sensunetepeque, Cabañas, by a soldier from Military Detachment No. 2;

(i) Nora Marleni Bolaños Rodríguez, on 24 January 1992 in San Salvador (Mejicanos) by members of the National Police who had tried to rape her;

(j) Edwin Omar de Paz González, judge at El Puerto de la Libertad, on 3 February 1992 by members of a death squad on the road to El Puerto de la Libertad, Ciudad Nueva de San Salvador;

(k) Celestino Flores, on 3 February 1992 by armed men allegedly linked to paramilitary forces, at his home in San Pablo Tacachico;

(l) Pedro Luis Medrano Pérez, on 10 February 1992 by heavily armed men allegedly linked to paramilitary forces who abducted him when he was waiting for a bus at El Congo, Department of Santa Ana. On the following day, his body was said to have been found in the street bearing marks of beating;

(m) Juan Francisco Cruz Ventura, on 29 February 1992 by an agent of the National Police who had detained him in the street at Población de Berlín, Usulután, while he was running away from a man who had threatened him with a grenade. Allegedly, members of his family were threatened by the police if they continued to investigate his death;

(n) Fabián Umaña Ruiz, on 12 March 1992 by unknown armed men allegedly linked to paramilitary forces at his home in Apastepeque, San Vicente;

(o) Carlos Humberto Reinoza Hurtado and Jorge Alejandro Reinoza Hurtado (14), on 21 March 1992 at Finca Patricia, Chalchuapa, by armed men linked to paramilitary forces;

(p) Alicia Guadalupe Portillo Lovo and Emedino Chávez López, reportedly found dead on 7 April 1992 at San Luis Tutultepeque, Nejapa, allegedly after having been killed by unknown persons linked to the security forces;

(q) José Elías Martínez Mulato, on 16 April 1992 at his home in Nueva San Salvador, La Libertad, by a group of soldiers from the Salvadorian Army;

(r) Andres Roberto Oliva Gavidia, on 6 May 1992 at Ciudad de San Vicente, allegedly by members of the military;

(s) Tomás David España García, on 8 May 1992 by unknown persons allegedly linked to the security forces at Texistepeque, Santa Ana;

(t) Dolores Alberto Serrano Aguirre (14), on 11 May 1992 by guards of the Hacienda Veracruz, Cantón San Francisco Zaragoza, allegedly for supporting the guerrillas;

(u) José Salvador Calderón Escobar reportedly died on 17 May 1992 as a consequence of injuries inflicted upon him during detention at the municipal police station of Soyapango, San Salvador, where he was allegedly subjected to heavy beating.

Communications received from the Government

248. The Government of El Salvador provided the Special Rapporteur with information in reply to the following cases:

(a) Concerning Mirtala López and others (see E/CN.4/1992/38, paras. 155-158), the FAS was a "phantom" organization; there was no information on this group. This type of death threat, received by some trade unionists and political leaders, had not materialized; none of them had suffered any harm so far. Those affected had refused to accept the protection offered to them by the security forces. Allegations before international organizations thus had the sole aim of disparaging the Government and its armed forces (14 January 1992);

(b) José Palacios was arrested on 19 November 1991 by members of the National Guard on suspicion of supporting the guerrillas. He was handed over to the Sixth Criminal Court of San Salvador. During his detention he had not

suffered any ill-treatment. José Ignacio Meza was arrested by National Guard personnel who found him in possession of Marxist-Leninist literature and 200 M-16 rifle cartridges. After he admitted being an active member of the FMLN he was handed over to the court of first instance at Cojutepeque (21 April 1992);

(c) Salvador Iván Ramírez was killed on 31 July 1992 at the cafeteria "El Portal" in Redondel Masferrer by David Armando Flores Romero, who was arrested by the police on 27 August 1992 and identified by witnesses of the incident. He was said to have confessed to having committed the murder for private reasons (23 September 1992);

249. Pursuant to Commission on Human Rights resolution 1992/42, the Government of El Salvador submitted a large number of notes verbales concerning numerous acts of violence, including killings and death threats, committed by members of the FMLN.

Follow-up on allegations transmitted in 1991

250. The Special Rapporteur sent a letter to the Government of El Salvador following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

251. The Government of El Salvador had provided the Special Rapporteur with a reply on one of these cases (see E/CN.4/1992/30, para. 166). The Special Rapporteur requested the Government of El Salvador to provide him with information concerning the cases for which no reply had been received.

Equatorial Guinea

Communications sent by the Special Rapporteur

Urgent appeals

252. The Special Rapporteur sent an urgent appeal to the Government of Equatorial Guinea concerning Norberto Ndong Abía, a member of the presidential security guard, who was reportedly sentenced to death for murder on 23 or 24 November 1992 by a military tribunal. It was alleged that those sentenced to death by such courts do not have the opportunity to exercise their right to appeal (4 December 1992).

Other allegations

253. The Special Rapporteur transmitted to the Government of Equatorial Guinea two cases of alleged death in detention as a result of torture (31 August 1992):

(a) Alberto Alogo reportedly died in early 1990 after having been subjected to torture at a police station in Bata;

(b) Diosdado Abaga Nvo reportedly died on 5 July 1992 after having been tortured by members of the police in Malabo. It was alleged that high-ranking governme.. officials were involved in this case. Reportedly, a trial that took place after his death did not have consequences for those responsible.

Communications received from the Government

254. At the time of the preparation of the present report, no communications had been received from the Government of Equatorial Guinea.

Ethiopia

Communications sent by the Special Rapporteur

255. The Special Rapporteur sent an urgent appeal to the Government of Ethiopia after receiving allegations according to which four leaders of the Ethiopian People's Revolutionary Party (EPRP), Tsegaye Gebremedhin, Yisehak Bebretsion, Belete Amena and Sitotaw Husseing, were in danger of extrajudicial execution. The four were said to have been part of a group of 23 Ethiopian refugees residing in a transit camp in the Sudan who had been handed over by Sudanese security forces to the Ethiopian authorities. While 19 of them had reportedly been released or were about to be released, these four remained in detention at Azezo prison, near Gorder. In the light of reports that other leaders of their party had disappeared after being taken into custody, fears for their lives were expressed (24 July 1992).

Communications received from the Government

256. The Government of Ethiopia provided the Special Rapporteur with information in reply to the aforementioned urgent appeal. The Government corrected the names of the four EPRP leaders in detention, stating that from the thrust of the communication it was obvious that the reference was to Said Hassen, Said Daud, Beyene Gura and Meshesha Moges. These four, commanders of the military wing of the EPRP, had not been handed over by Sudanese security forces but were apprehended while engaged in unlawful military activities in the western part of Ethiopia. Their case was under investigation by the competent authorities and they were enjoying every protection and all the amenities accorded to detainees under various international human rights instruments and the Code of Criminal Procedure of Ethiopia. The detainees were awaiting a fair trial. The reports that other EPRP leaders had been executed were unfounded and untrue (4 November 1992).

Follow-up on allegations transmitted in 1991

257. The Special Rapporteur sent a letter to the Government of Ethiopia following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991. No reply had been received from the Government. The Special Rapporteur requested the Government to provide him with information concerning these allegations (see E/CN.4/1992/30, paras. 175-180).

Ghana

258. The Special Rapporteur has received reports indicating that procedures leading to the imposition of the death penalty in Ghana were not in conformity with all internationally recognized safeguards and restrictions relating to capital punishment.

259. Most of the death sentences in Ghana are said to be passed by the Public Tribunals, special courts established by the present military government in 1982 under the Public Tribunals Law of 1982 (Provisional National Defence Council (PNDC) Law 24). It has been alleged that in practice there is no established or binding procedure for cases presented before these tribunals. An amendment to PNDC Law 24 in August 1984 (PNDC Law 78) reportedly instituted a National Public Tribunal as a higher court and instance of appeal. The National Public Tribunal also tries cases itself and hears appeals against its own decisions, sitting as National Appeals Tribunal. Allegedly, judges hearing the appeal may be the same as those who imposed the death sentence challenged on appeal. Moreover, it was alleged that the members of the tribunals, appointed by PNDC, are not fully independent and are not required to have legal training. However, no reports were received about the carrying out of death sentences in Ghana.

Communications sent by the Special Rapporteur

260. The Special Rapporteur transmitted two cases to the Government of Ghana (31 August 1992). Both concerned death sentences passed on:

(a) Kofi Ntorie, convicted of murder and sentenced to death by the Western Regional Public Tribunal on 18 January 1992; and

(b) Kwaku Duroh, convicted of murder and sentenced to death by the Ashanti Regional Public Tribunal in January 1992.

Communications received from the Government

261. The Government of Ghana provided the Special Rapporteur with information concerning the cases mentioned in the preceding paragraph, stating that neither of the two men had so far been executed (2 November 1992).

(a) Kofi Ntorie was tried by the Western Regional Public Tribunal, convicted of murder and sentenced to death on 18 December 1991. He was not represented by counsel because several requests for representation by the Legal Aid Council were not heeded. He will not be executed until he has gone through two stages of appeal (Appeal and Review). Even though, if filed now, an appeal would be "out of time", it would still be considered;

(b) Kwaku Duroh was duly tried and represented by competent counsel throughout his trial. He was convicted on 13 January 1992 by a panel of three presided over by a lawyer. An appeal against this sentence was filed on 16 January 1992, within the statutory period. He will not be executed until the Appellate and Review Division confirms the decision.

Grenada

Follow-up on allegations transmitted in 1991

262. The Special Rapporteur sent a letter to the Government of Grenada following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 185-188).

Guatemala

263. The reports and allegations that have come before the Special Rapporteur indicate that widespread human rights violations for political reasons, including extrajudicial, summary or arbitrary executions, continue to occur in Guatemala.

264. Although the overall figures regarding extrajudicial, summary or arbitrary killings seem to have declined in 1992 (the accounts presented by different human rights organizations vary between 186 and 388 extrajudicial, summary or arbitrary executions during the first six months of 1992), the Special Rapporteur still received an alarming number of alleged violations of the right to life. According to the reports, these continued to be committed by members of the armed forces, the civil defence patrols (PAC), agents of various police units and so-called "death squads" allegedly collaborating with them. The Special Rapporteur also received reports of killings carried out by members of the guerrilla group National Revolutionary Unit of Guatemala (UNRG).

265. Violations of the right to life continued to occur against the background of the armed conflict between the Government and UNRG. Peace negotiations that started in 1991 reportedly reached a deadlock over human rights issues, while armed confrontations between the military and the guerrillas were said to persist. Several cases of civilian casualties as a consequence of army attacks on villages as part of the Government's counter-insurgency strategy were reported to the Special Rapporteur in early 1992.

266. As in past years, those most often reported as victims of death threats, acts of harassment and intimidation and killings imputed to the State security forces and their collaborators were persons linked to trade unions and political opposition groups, members of organizations that represent indigenous people, human rights activists, peasants, students, academics, journalists and street children. Violence against the last was said to have persisted. A special task force of the police was created in February 1992, reportedly to combat common crime, the so-called Hunapú (Hunters), comprised of members of the National Police, the Treasury Police and the Mobile Military Police (PMA). Hunapú agents as well as members of private security firms operating under licence of the National Police and the Ministry of the Interior were repeatedly said to be responsible for violence against street children and those working with them, particularly those affiliated with the Casa Alianza (Covenant House).

267. An alarming number of alleged death threats and attacks against, and killings of, university students and teachers, in particular of San Carlos University (USAC) in Guatemala City, was reported to the Special Rapporteur throughout the year. The attention of the Special Rapporteur was also repeatedly drawn to violations of the right to life of members of several human rights groups, trade unions and other civic organizations including the following: the Centre for the Investigation, Study and Promotion of Human Rights (CIEPRODH), the Mutual Support Group for the Appearance of Our Relatives Alive (GAM), the National Coordination of Guatemalan Widows (CONAVIGUA), the Council of Ethnic Communities "We are all Equal" (CERJ), the National Union of Guatemalan Workers (UNISTRAGUA), the National Electrical Workers' Union (STINDE) and the University Students' Association (AEU).

268. Concerning rural areas, the Special Rapporteur received information to the effect that peasants, especially from the indigenous communities, continued to suffer acts of harassment, intimidation and death threats after refusing to join the ostensibly voluntary civilian defence patrols.

269. The Special Rapporteur received further information according to which these human rights violations took place in a climate of impunity. It was alleged that only in very few cases were judicial proceedings initiated which led to the identification and conviction of those responsible for human rights violation. In particular, the civil defence patrols are said to operate with impunity. The Special Rapporteur also received several reports concerning acts of intimidation and harassment and death threats to deter relatives of victims of human rights abuses and witnesses in legal proceedings from denouncing human rights violations and/or providing testimony against members of the security forces or those collaborating with them.

Communications sent by the Special Rapporteur

270. The Special Rapporteur transmitted to the Government of Guatemala information that had come before him concerning the alleged violation of the right to life of at least 100 persons. In eight cases, the victims were said to be minors. Twenty-five cases allegedly constituted violations of the right to freedom of expression and opinion, religion, and peaceful assembly and association. The Special Rapporteur intervened on behalf of more than 60 persons by sending 20 urgent appeals. Allegations concerning violations of the right to life of at least 40 persons were sent in a separate letter. The Government provided information regarding 52 persons.

Urgent appeals

271. Relatives of the anthropologist and human rights activist Myrna Mack Chang, assassinated in September 1991, and journalists covering the judicial proceedings against those presumed to be responsible for her death, reportedly received death threats during late 1991, and early 1992 (9 January 1992).

272. Florencio Coj García, Guadalupe Coj García, Manuel Chingo de la Cruz, Mariano de la Cruz and 11 others, all members of the Quiché indigenous community in Tunajá, Zacualpa, El Quiché, were reportedly threatened by military personnel in January 1992 in connection with the exhumation of clandestine cemeteries in Tunajá in December 1991 (7 February 1992).

273. On 26 January 1992, a leaflet containing death threats signed by a death squad called "Anti-Communist Unit" was reportedly handed to Armando Sánchez, Secretary-General of the National Federation of State Workers' Trade Unions in Guatemala (FENASTEG). The text also threatened the following persons: Amílcar Méndez, President of CERJ, Byron Morales, Coordinator of UNISTRAGUA, Rosalinda Tuyuc, President of CONAVIGUA, Nineth Montenegro de García, President of GAM, and Juan Mendoza, a leader of the Farmers' Unity Committee. On 31 January 1992, Rosa Pu Gómez, member of CONAVIGUA, was reportedly threatened in the street by an armed man who accused her of being a member of the FARC or the Rebel Armed Forces (17 February 1992).

274. Francisco Tziac, a 16-year-old "street child", was reportedly subjected to continuous acts of harassment and threats after he had witnessed the murder of his friend Nahamán Carmona by four police officers on 4 March 1990. On 18 December 1991, he was said to have been abducted by police and threatened with death but managed to escape (17 February 1992).

275. Roberto Yancor and Jorge Ramírez, both members of the Quetzaltenango Workers' Union, the "Praxis" theatre group and different students' associations, reportedly received anonymous telephone calls and written death threats signed by a death squad called "Secret Anti-Communist Army" on various occasions since September 1991. The same death squad reportedly also threatened another trade unionist, José Mercedes Sotz Caté of Guatemala City (24 June 1992).

276. Pedro Us Soc, assistant professor at USAC and leading member of the Guatemalan Teachers' Association and the National Teachers' Assembly, and his wife Florindalma Ixtahualán, secretary in an indigenous organization, both members of the Quiché indigenous group, reportedly received death threats on various occasions between September 1991 and March 1992. It was alleged that these threats were related to the killing of Manuel Estuardo Peña, a professor at USAC, on 10 February 1992, allegedly by members of the security forces. (24 June 1992).

277. On 12 March 1992, David Estuardo Mejía Paz (17) was reportedly abducted by armed men who interrogated him about the whereabouts of his brother Axel Mejía Paz, a collaborator of Casa Alianza, whom they threatened to kill. Axel Mejía Paz had been the principal witness in proceedings against 13 members of the police unit Civic Protection System accused of beating up three street children on 7 November 1991 (24 June 1992).

278. Londy Urízar, a receptionist at Casa Alianza, reportedly received anonymous telephone death threats on 8 May 1992 at the Casa Alianza administrative offices. Allegedly, these threats and other previous incidents

were related to the denunciation of human rights violations committed by members of the security forces against street children and Casa Alianza collaborators (24 June 1992).

279. José Alberto Nerio Osorio, teacher and delegate of CIEPRODH, reportedly suffered an attempt on his life on 17 May 1992 by unidentified armed men allegedly linked to the security forces (25 June 1992).

280. On 31 May 1992, the mother of Dr. Carlos León Medrano, a member of the Quiché indigenous group, reportedly received a telephone call threatening her son and recommending that he leave Chichicastenango. Some days before, members of the armed forces had reportedly inquired as to his whereabouts. Fears for his safety were expressed (26 June 1992).

281. Adelina López Castillo, mother of one of 11 persons whose dead bodies had been found in Escuintla, Puerto Quetyal, in August 1991, reportedly received death threats by the military in connection with accusations against six soldiers presumed to be responsible for the killing of the 11 persons. Other members of the family were also said to have been threatened (27 July 1992).

282. Humberto Fuentes Morales, a trade unionist, was said to have suffered acts of harassment and intimidation in June 1992, reportedly in connection with his participation in labour contract negotiations (4 July 1992).

283. Two "street children", Byron Geovanni Castillo (14) and José Chicauja (15), were reportedly abducted, beaten and threatened with death by members of a Hunapú patrol on 4 August 1992 in Guatemala City (31 August 1992).

284. Maritza Urrutia García was reportedly abducted in Guatemala City by members of the armed forces on 23 July 1992 and later forced to confess to being a member of "subversive organizations". Since her release, in late July 1992, Maritza Urrutia García and members of her family were allegedly placed under continuous surveillance by security forces personnel. Fears for her safety were expressed (31 August 1992).

285. The Special Rapporteur sent a second urgent appeal on behalf of Maritza Urrutia García and 12 members of her family, including three minors (names may be consulted in the files of the secretariat) after he received additional information in October 1992 indicating that death threats continued to be made to them by members of the armed forces (20 October 1992).

286. Various members of AEU at USAC, including Axel Morales, Otto Pérez, Julio Sajche, Hugo Gudiel and Otto Peralta, the President of AEU, reportedly received death threats from members of the security forces on various occasions between May and October 1992, allegedly in relation with their involvement in legal proceedings against some members of Hunapú accused of being responsible for the death of USAC student Julio Cuc Quim on 10 April 1992. Threats were also said to have been made against relatives of students who had been injured in this incident (16 October 1992).

287. Two minors of the Kakchikel indigenous group, Cristina Par (17) and Matea Par (16), were reportedly attacked and threatened with death by three armed persons said to be linked to the security forces on 19 October 1992 in Guatemala City, allegedly for their participation in street celebrations of the Nobel Peace Prize award to Rigoberta Menchú two days before (29 October 1992).

288. An urgent appeal was sent after fears had been expressed for the safety of Ronalth Iván Ochaeta, Director of the Human Rights Office of the Archbishopric of Guatemala Amílcar Méndez Urízar, Director of CERJ, and Fáctor Méndez Doninelli, Director of CIEPRODH. Reportedly, they had been accused, in November 1992 by the President, the Minister of Defence in Guatemala and others, of having links with the guerrillas (1 December 1992).

289. María "Myriam" Buthy Dardón Tejada, the wife of Amílcar Méndez Urízar, and otehr members of her family have reportedly been subjected to death threaths and acts of harassment on various occasions since late October 1992 (4 December 1992).

290. In addition, the Special Rapporteur sent an urgent appeal to the Government of Guatemala after he had received reports concerning the imminent execution of the soldier Nicolás Gutiérrez Cruz on 18 August 1992. According to the information received, Nicolás Gutiérrez Cruz had been convicted of the murder of four peasants in Ciudad Peronia on 16 January 1992 and sentenced to 30 years' imprisonment. The death sentence was said to have been imposed on appeal. Several procedural shortcomings were alleged (18 August 1992).

Other allegations

291. The following cases transmitted by the Special Rapporteur concern the alleged extrajudicial, summary or arbitrary killing of university teachers and students (31 August 1992):

(a) Manuel Estuardo Peña, a professor at USAC and local community worker in Zone 12 of Guatemala City, on 10 February 1992 by three armed men allegedly linked to the security forces;

(b) Julio Cuc Quim, a student at USAC, on 10 April 1992, when members of Hunapú reportedly opened fire on a group of students who were preparing the "Huelga de Dolores", an annual students' demonstration. Thirty-two members of Hunapú were said to have been arrested and an investigation into the case was opened;

(c) Andrés Ramírez Lara, a professor at USAC, on 14 May 1992, by two gunmen allegedly linked to the security forces;

(d) Juan José Arana Paz, a student at USAC, on 14 May 1992, reportedly some hours after the killing of Andrés Ramírez Lara, by the same gunmen;

(e) Rodnery Rodríguez Valdizon, Emilio González Guerra and Luis Morales Zavala, students at USAC, on 5 July 1992, by several men armed with machine-guns, allegedly linked to the security forces.

292. The following cases concern alleged violations of the right to life by members of the civil defence patrols (31 August 1992):

(a) In January 1991, the inhabitants of Chontalá, Santa Cruz del Quiché, were reportedly threatened with death by members of PAC to deter them from denouncing the existence of clandestine cemeteries in the area;

(b) Manuel Chumil Méndez (17), Consuelo Ruiz and María Luisa Ruiz, all members of GAM, were reportedly threatened with death by a local PAC leader at Sacpulup, Chichicastenango, on 20 March 1992;

(c) Death threats were reportedly made by members of the PAC against members of human rights organizations in San Pedro Jocopilas, El Quiché, in early April 1992;

(d) Pedro Raguez was reportedly killed on 9 April 1992 by members of a PAC patrol in San Pedro Jocopilas, El Quiché, allegedly for having refused to participate in PAC activities.

293. The following cases concern alleged violations of the right to life of civilians in the context of counter-insurgency activities by the military (31 August 1992):

(a) Miguel García Julaju, Antonio Sacalxot, Esteban Coche Xicay, Francisco García Chingo, Felipe Petzey (10) and one unidentified person were reportedly killed on 9 February 1992 during an army attack between Patulul and Santiago Atitlan, Pochuta, Solola;

(b) Farmers of Aldea las Pozas, Sayaxche, Petén, were reportedly forced by the military under death threats to denounce thefts supposedly committed by insurgents in the area;

(c) Attacks in which the military allegedly used heavy shelling, helicopter gunships and fighter planes were reported to have occurred at Parcelamientos Santo Tomás and San Lucas, Ixcán, El Quiché (17 January 1992), Parcelamiento San Lucas, Ixcán, El Quiché (19 January 1992), Parcelamiento Cuarto Pueblo, Ixcán, El Quiché (19 January and 22 March 1992), Parcelamiento Mayaland, El Quiché (23 March 1992).

294. Other cases of alleged violations of the right to life were transmitted by the Special Rapporteur to the Government of Guatemala (31 August 1992):

(a) Odilio Blanco Barahona, Director of the Centre for Cooperative Studies, was reportedly killed on 9 January 1992 in Guatemala City by armed men allegedly linked to the security forces;

(b) Concepción Sagastume Cortez and Amílcar García were reportedly killed on 10 January 1992 by armed men allegedly linked to the security forces near the military zone of Jutiapa;

(c) Julián Ordoñez de Paz, Cruz del Carmen Morales Medio and Justo Ixmay Méndez were reportedly killed on 14 January 1992 in San Miguel Dueñas, Sacatepequez, by armed men allegedly linked to the security forces;

(d) Jaime Mérida was reportedly killed on 15 January 1992 in Guatemala City by three armed men, allegedly linked to the security forces;

(e) Francisco Jax López, Juan Xan Calel, Juan Calel Grade and Juan Xan Santizo (10) were reportedly killed on 16 January 1992 in Ciudad Peronia, Mixco, by soldiers of the Guatemalan Army including Nicolás Gutiérrez Cruz, who was later tried and sentenced to death (see above para. 290);

(f) John Sanford Meyers was reportedly killed on 26 January 1992 at Panajachel, Godinez, Solola, by an armed man allegedly linked to the security forces;

295. The following allegations of death threats and intimidation were also forwarded to the Government of Guatemala (31 August 1992):

(a) Silvino Velázquez and Leonel Gutiérrez, journalists, Ernesto Rolando Corzantes Cruz, court official, and José López Mendoza, head of the Prosecutor's Office of the Public Ministry, reportedly received telephone death threats between late December 1991 and January 1992 in relation with their involvement in the proceedings following the assassination of Myrna Mack Chang in September 1990;

(b) Carlos Humberto Pérez was reportedly subjected to death threats and acts of intimidation in February 1992; he was said to have reported these acts to the authorities but allegedly was not granted any help or protection;

(c) Several members of the Administrative and Education Services Workers' Union were reportedly subjected to death threats in March 1992 by armed men allegedly linked to the security forces;

(d) Fredy Noel Berganza Bojorques was reportedly subjected to death threats and acts of intimidation by armed men allegedly linked to the security forces in early April 1992 after he had denounced instances of corruption in relation to a government project on funding of agricultural development;

(e) Otto Leonel González Nuñez was reportedly threatened with death by a member of the Public Works Directorate in the Department of Zacapa after he had requested, in April 1992, an investigation into the utilization of funds granted to the directorate for infrastructural projects.

Communications received from the Government

296. The Government of Guatemala provided the Special Rapporteur with information concerning the following cases:

(a) Rosa Pu Gómez, Rosalinda Tuyuc, Nineth Montenegro de García, Amílcar Méndez Urizar, Byron Morales, Armando Sánchez, Juan Mendoza and Francisco Tziac. Investigations had not revealed any evidence indicating that these persons had been a target of death threats. Only Amílcar Méndez repeatedly declared that he received threats; however, when asked to file a

formal complaint in court he stated that he had no time to do so. He did not cooperate with the authorities in trying to establish the origin of the threats (30 March 1992 and 21 April 1992);

(b) Florencio Coj García, Guadalupe Coj García, Manuel Chingo de la Cruz, Mariano de la Cruz and 11 other members of the Quiché indigenous community of Tunajá. Investigations had revealed that no judicial proceedings had been opened before the competent courts, since no formal complaint had been filed concerning the alleged threats (30 March 1992 and 21 April 1992);

(c) Maritza Ninette Urrutia García. All pertinent investigations had been carried out to establish the truth with regard to this case. Mrs. Urrutia García had applied for political amnesty at the Attorney General's Office for having been a member of an armed insurgent group. Her disappearance over several days formed part of her strategy to quit the subversive movement. The Attorney General notified her father that she was under the protection of his Office and he accompanied her to the competent judge, where she repeated her declarations. After returning to the Attorney General's Office, Maritza Urrutia García held a press conference. She then left with her father and her brother and returned to her home, where several members of the Human Rights Office of the Archbishopric of Guatemala were waiting for her and took away her daughter. Maritza Urrutia García, who had requested discreet protection of her home, applied for a passport, which was granted to her immediately. Later, the Public Ministry, as representative of the State, initiated criminal proceedings to establish whether the allegations that Maritza Urrutia García had been abducted or illegally detained were justified. Mrs. Urrutia García was summoned to testify in court on 7 August 1992 but left Guatemala on the morning of the same day. The Government of Guatemala asserted that there was no evidence of any abduction or illegal detention (21 September 1992).

297. With regard to the following cases, criminal procedures were under way: Andrés Ramírez Lara, Juan José Aranda Paz, Manuel Estuardo Peña, Pedro Raguex (not Raguez), John Sanford Meyers, José Antonio López Mendoza, Rodnery Rodríguez Valdizón et al. (6 November 1992).

298. Judicial investigations had led to the indictment of persons suspected of being responsible for killings or death threats in the cases of:

(a) Miguel García Julaj, Antonio Sacalxot, Esteban Coche Xicay, Francisco García Chingo, Felipe Petzey and one unidentified person, found dead on 9 February 1992 on the road leading from Pochuta to Santiago Atitlán. Criminal procedures had revealed that those killed had travelled on a bus that was assaulted by common criminals. Four persons were arrested and charged with murder. An arrest warrant for three further persons was issued (6 November 1992);

(b) Julio Cu Quim. The Hunapú agents responsible for the death of the university student were immediately brought before the competent courts. Eight military policemen were being tried in a military court, 13 members of the National Police and eight agents of the Treasury Guard in ordinary courts (6 November 1992);

(c) Julián Ordoñez Paz, Cruz del Carmen Morales Merida and Justo Ixmay Méndez, killed on 14 January 1992 in San Miguel Dueñas by four guards of the Finca San Sebastián. Criminal proceedings were under way. Three of the accused had been released on bail while one remained in prison (6 November 1992).

(d) Francisco Jax López, Juan Xan Calel, Juan Calel Grade and Juan Xan Santizo. Two members of the military, Nicolás Gutiérrez Cruz and Eliseo Suchité Hernández, were sentenced to 30 years imprisonment; this sentence was changed to a death sentence on appeal. On 9 May 1992, the two soldiers escaped from the barracks where they were imprisoned. Nicolás Cruz Gutiérrez was rearrested on 6 July 1992. A stay of execution was granted by the Constitutional Court following the filing of a motion of ampara against the decision of the Supreme Court which had confirmed the death sentence. The Constitutional Court ordered the Supreme Court to reconsider the case (6 November 1992);

(e) Ernesto Rolando Corzantes Cruz. Criminal proceedings were under way. Mr. Corzantes Cruz appealed against the decision of the court to grant bail to the person suspected of being responsible for the death threats (6 November 1992).

299. In the case of María Luisa Ruiz Saquic, criminal procedures had been initiated on 2 October 1992 to investigate the threats allegedly received by her. On 22 September 1992, Mrs. Ruiz Saquic had been asked to testify but did not appear before the Auxiliary Agent of the Public Ministry of El Quiché at Zacualpa (6 November 1992).

300. With regard to the following cases, the Government of Guatemala informed the Special Rapporteur that, at the date of the reply (6 November 1992), no details had been received from the competent authorities but these would be provided as soon as they were available: Fredy Noel Berganza Bojorguez, Carlos Humberto Pérez, Otto Leonel González Nuñez, 153 trade unionists, Odilio Blanco Barahona, Silvino Velásquez, Leonel Gutiérrez, Manuel Chumil Méndez, Consuelo Ruiz, Parcelamiento Cuarto Pueblo, members of human rights organizations, Parcelamiento San Lucas, clandestine cemeteries, Concepción Sagastume Corzet, Amílcar García, Aldea Las Pozas and Jaime Merida.

301. Pursuant to Commission on Human Rights resolution 1992/42, the Government of Guatemala supplied detailed information about acts of violence, including killings of civilians, carried out by members of different armed groups belonging to the UNRG between January and May 1992.

Observations

302. The Special Rapporteur appreciates the willingness to cooperate shown by the Government of Guatemala by providing him with replies to a number of the allegations transmitted. He remains concerned, however, at the large number of violations of the right to life reported in the country. The Special Rapporteur appeals to the authorities to continue their efforts to ensure effective respect for the right to life, in compliance with the pertinent international instruments.

Follow-up on allegations transmitted in 1991

303. The Special Rapporteur sent a letter to the Government of Guatemala following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 189-241).

304. The Government of Guatemala had provided replies concerning a number of these cases. In the aforementioned letter, the Special Rapporteur expressed his appreciation of the efforts made by the authorities to ensure protection of the right to life in a number of cases. With regard to the cases which at the time of the Government's reply were still under investigation, the Special Rapporteur requested the authorities to provide him with additional information, in particular about decisions taken as a result of such procedures and measures adopted in consequence thereof. For those cases which had not yet been mentioned in communications received from the Government, the Special Rapporteur asked to be provided with information.

Haiti

305. The reports and allegations that have come before the Special Rapporteur indicate that, since troops violently overthrew the democratically elected Government of President Jean-Bertrand Aristide in a coup d'état during the night of 29 to 30 September 1991, widespread human rights violations, including extrajudicial, summary or arbitrary executions and death threats, have been committed by the security forces.

306. Between October 1991 and April 1992, 1,792 persons were said to have died, victims of political violence. After a wave of killings following the military coup, reports of extrajudicial executions seemed to decrease in January 1992 but a sharp rise was again reported in mid-May 1992, following popular unrest and increased demonstrations against the de facto authorities.

307. According to the reports and allegations received, numerous killings were carried out in a climate of total impunity by uniformed security forces personnel or, on some occasions, by men in civilian clothes ostensibly linked to them, such as the so-called "zenglenderos", which were described as groups constituted by soldiers in civilian clothes and prisoners freed after the coup. According to various sources, those responsible for human rights violations also include the "chiefs of section", former rural police chiefs who returned to military control after the coup. They had been disarmed and placed under civilian authority as Community Police Agents during the administration of President Aristide. The disbanded National Security Volunteers, also known as "tontons macoutes", were also said to be implicated in the violations. In several cases, criminal violence was allegedly used to disguise politically motivated killings.

308. The victims of death threats and extrajudicial, summary or arbitrary killings reportedly included human rights workers, members of the Catholic Church, peasant organizers, opponents of military rule, journalists, members of popular organizations and virtually anyone suspected of supporting the return of the deposed President Aristide.

Communications sent by the Special Rapporteur

309. Without prejudice to General Assembly resolution 46/7 of 11 October 1991, the Special Rapporteur transmitted to the de facto authorities in Haiti allegations he had received concerning violations of the right to life of at least 140 persons, among them five minors. Sixty-four cases allegedly constituted violations of the right to freedom of opinion and expression, religion and peaceful assembly and association. The Special Rapporteur intervened on behalf of seven persons by sending six urgent appeals. Allegations concerning at least 134 others were sent in a separate letter.

Urgent appeals

310. Clotilde Charlot, Director of the Centre for the Promotion of Women Workers, was allegedly forced into hiding on 1 November 1991 to protect her life and that of her children, following the release on the same day by the military regime of a list of 45 persons to be arrested immediately. Fears of a possible extrajudicial execution were expressed (10 January 1992).

311. Félix Lamy, a journalist for Radio Galaxie, was reportedly abducted on 10 December 1991 by armed soldiers who also ransacked the radio station after it had broadcast news about a supposed split in the army. Fears were expressed that he might have been extrajudicially executed (10 January 1992).

312. Guy Delva, a journalist for the Voice of America reporting on the situation in Haiti, has reportedly received death threats since December 1991, allegedly in relation to his attempts to file reports outside the country on the lack of press freedom and on human rights violations. Twice in March 1992, armed men in plain clothes, allegedly members of the security forces, unsuccessfully tried to locate him in the neighbourhood, thus preventing him from returning home (24 June 1992).

313. Following several incursions by armed men during the nights of 12, 16 and 22 June 1992 and a threatening phone call on 19 June 1992, fears were expressed that the inhabitants of an orphanage at Port-au-Prince might become the victims of extrajudicial executions (17 July 1992).

314. Jude Damus was reportedly arrested on 10 September 1992, following a demonstration hostile to the de facto authorities two days earlier. He was allegedly ill-treated on a daily basis at the Anse d'Hainault prison and later transferred to the prison at Jérémie. Fears for his life were expressed (8 October 1992).

315. Msgr. Willy Romulus, bishop of Jérémie, had his name appear on a death list of over 100 names which was reportedly broadcast by a clandestine Haitian radio station controlled by the disbanded "tontons macoutes". During the

broadcast the speaker allegedly called for the assassination of all those on the list. The bishop was said to have been subjected to acts of harassment and intimidation, attempts on his life and insults by members of the security forces at a road block at Jérémie on 20 and again on 22 September 1992. On 24 September 1992, a group of armed men led by an army sergeant reportedly tried to kill him at the presbytery of Notre Dame de la Merci and threatened to come back when they failed to do so (12 October 1992).

316. Luc Wesner and Justin Brezil, both active members of the National Committee of the Congress of Democratic Movements, were reportedly abducted by three armed men allegedly linked to the security forces on 22 November 1992 at Carrefour. Luc Wesner's body was later found riddled with bullets. Fears were expressed for the life of Justin Brezil, who had not been seen again after his abduction (4 December 1992).

Other allegations

317. The Special Rapporteur transmitted to the de facto authorities in Haiti allegations he had received according to which the following persons were killed by members of the security forces, often without any apparent reason (31 August 1992):

Montlouis Lerisse, employee of the National Television (TNH);

Simeon Gary, journalist at Radio Caraïbes, on 30 September 1991;

Jacques Seus Jean-Gilles (17), on 1 October 1991, during an attack by security forces on an orphanage for street children;

14 persons in Gonaïves, including Gérard Janit, on 1 October 1991; Fred Cheriska, Elisyen and Jean-Pierre Dazme, Line Joseph, Frantz Moise and Navoir Odena, on 2 October 1991; Robert "Le Caoutchouman", on 18 October 1991; and Yfalien Alcius (14), on 20 October 1991;

A young man, on 8 November 1991, at the Red Cross office in Port-au-Prince, where he had sought refuge;

One unidentified civilian, on 9 November 1991 in Delmas;

One unidentified man, on 11 November 1991 in Canapé-Vert, Port-au-Prince, allegedly for having listened to Radio Enriquillo;

Rénald Charles, on 19 November 1991 in Damien;

Farah Michel (5), on 30 November 1991, in Cité Soleil;

A 16-year-old boy on 19 January 1992 at the market of Pétionville;

Jocelyn Casimir, on 20 January 1992, allegedly for "walking too early" in the streets of Cap Haïtien;

Orelus Séraphin, on 31 January 1992 in Port-au-Prince, allegedly for having participated in the murder of a "tonton macoute" in January 1992;

Six unidentified persons, on 7 February 1992 in Bolosse, Sousdalles, on allegations of theft which were reportedly denied by the neighbours;

Claire Edouard, on 26 May 1992, the night following the arrest of her son Patrick Morisseau;

Georges Izméry, on 26 May 1992, allegedly after being mistaken for his brother, a well-known supporter of President Aristide;

Gary Jeanty, on 24 June 1992 in Santos;

At least 35 unidentified persons, on 22 July 1992 when members of the armed forces reportedly opened fire on the boat in which 86 persons were trying to flee Haiti;

Robinson Joseph, former director of the Protestant church radio station Radio Lumière, on 3 August 1992 in Port-au-Prince.

318. The following people were reportedly killed by "chiefs of section":

Two unidentified supporters of General Assembly for the National Front and for Change and Democracy (FNCD) candidate Samuel Milord, on 2 December 1991 in Rossignol, Grande Saline;

Charles Astrel, member of the National Assembly for the National Agriculture and Industry Party of Haiti (PAIN) and well-known supporter of President Aristide, on 12 December 1991 in Pignon;

Jean Mandenave, member of the FNCD, on 15 December 1991 in Plaisance.

319. The following persons were said to have been killed by members of the security forces for exercising their right to freedom of opinion and expression, religion and peaceful assembly and association:

One unidentified civilian, on 10 November 1991 during a meeting in rue Lamarre, Port-au-Prince;

20 persons arrested for their participation in a mass celebrated at Port-au-Prince in memory of the victims of the coup and executed by members of the Fourth Police Company on 12 November 1991;

A man named Amos on 26 December 1991, allegedly for having been heard by a soldier when talking with a friend about the possible return of President Aristide;

Yves Jean-Pierre, on 25 January 1992 during a political meeting at Port-au-Prince;

Brinvil Dulaurier, president of a league of former political prisoners and human rights activist, on 11 February 1992 in Cazales;

Jean-Claude Museau, on 6 January 1992 while in military detention after being caught putting up posters of President Aristide, allegedly as a consequence of ill-treatment;

A young man named Wilfred, on 15 July 1992, for putting up posters of President Aristide in the streets of Port-au-Prince;

Jacqueline Gabriel, Martine Remilien and Ancy Philippe, on 17 August 1992 for putting up posters of President Aristide in the streets of Port-au-Prince;

320. In addition, the following acts of violence by security forces who reportedly used firearms against assemblies and participants in demonstrations in favour of President Aristide were reported at Port-au-Prince on 10 November 1991 and on 23 February 1992, at Gonaïves and at Cité Soleil on 11 November 1991 and in Cap Haïtien on 26 January 1992.

321. The following people were said to have been killed by "zenglenderos":

Jean Huc, on 2 January 1992 in Pétionville;

Joseph Geffrard, on 9 January 1992;

An unidentified woman and her 8-year-old daughter, on 11 January 1991 in Delmas;

The son of the judge at Pétionville, on 2 February 1992. One of the "zenglenderos" was reportedly handed over to the police, who released him immediately.

322. The following violent incidents in which security forces threatened the population were reported to the Special Rapporteur:

On 10 November 1991, soldiers threatened with grenades a crowd celebrating a mass for victims of the coup at Jérémie;

On 11 November 1991, soldiers threatened the population by shooting at random in several neighbourhoods of Gonaïves;

On 12 November 1991, soldiers threatened the population of Gonaïves by shooting on sight at anybody considered suspect;

On 12 November 1991, soldiers threatened the population of St. Marc by shooting on sight at anybody considered suspect;

On 2 December 1991, Sister Loretta Philistin of Ranquitte and at least 14 other priests and nuns throughout Haiti received death threats or suffered acts of intimidation and attempts on their lives by the security forces;

On 6 January 1992, soldiers shot at the house of a woman who had slapped one of them. They reportedly declared that they would "finish with the people of the neighbourhood";

The following journalists: on 2 February 1992, Charité Telo, correspondent of Voice of America and Jean Wilson, journalist for Radio Etincelle, in Mirebalais; on 13 February 1992, Alain Tonlinson of BBC and Nathaniel Shephard, an American journalist.

Communications received from the so-called Government

323. At the time of the preparation of the present report, no communications have been received from the de facto authorities in Haiti.

Honduras

324. The Special Rapporteur has received reports about human rights violations, including extrajudicial executions and death threats, allegedly perpetrated by members of the National Directorate of Investigation (DNI) of the Honduran security forces. Trade unionists involved in labour conflicts and human rights activists were said to have been targets of such acts on various occasions. Allegedly, official investigations have been conducted only in very few cases, and those responsible were rarely identified or brought to justice. The reports received by the Special Rapporteur indicate that the high degree of impunity contributes to a large extent to the occurrence of violations of the right to life in Honduras.

Communications sent by the Special Rapporteur

325. The Special Rapporteur transmitted to the Government of Honduras information he had received concerning the alleged extrajudicial, summary or arbitrary execution of three persons. All three cases allegedly constituted violations of the right to freedom of opinion and expression and peaceful assembly and association.

Urgent appeals

326. The Special Rapporteur sent two urgent appeals to the Government of Honduras, in which he expressed concern about reports concerning danger to the lives and physical integrity of the following persons:

(a) Gabrelí Rivera Pérez, who had given testimony before a notary in which he identified four DNI agents as responsible for the murder of the trade unionist Manuel de Jesús García on 9 December 1991 (24 February 1992); and

(b) Antonio Zelaya Reyes, President of the Olancho regional department of the Committee for the Defence of Human Rights in Honduras (CODEH), who had suffered an attempt against his life on 25 March 1992 after receiving telephone death threats. The assailant was said to have been identified as a member of DNI. Two more members of CODEH also received death threats. CODEH is an institution which collaborates closely with United Nations human rights procedures (24 June 1992).

Other allegations

327. The Special Rapporteur transmitted to the Government of Honduras the case of Manuel de Jesús Guerra Arita ("Chingo"), assistant secretary of the National Union of Rural Workers, killed on 9 October 1991 in San Pedro Sula by four men who were identified by a witness, Gabrelí Rivera Pérez, as DNI agents. Allegedly, the judicial investigation into the case was not conducted properly. No effective steps were reported to have been taken to bring those responsible to justice (31 August 1992).

Communications received from the Government

328. At the time of the preparation of the present report, no communications had been received from the Government of Honduras.

Follow-up on allegations transmitted in 1991

329. The Special Rapporteur sent a letter to the Government of Honduras following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies from the Government had been received (see E/CN.4/1992/30, paras. 262-263).

India

330. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in India on a large scale.

331. The vast majority of cases reported to the Special Rapporteur concerned deaths in police or military custody caused by torture and ill-treatment. Torture is said to be used on a routine basis throughout the country to extract a confession or information from suspected criminals. In States where there are armed opposition groups advocating greater autonomy or independence (Assam, Jammu and Kashmir, Punjab) or improvement of social and economic conditions (especially a Maoist group known as Naxalites in the States of Andhra Pradesh, Madhya Pradhesh and Maharashtra), torture is also said to be used to deter people from political activities or in reprisal for acts of such groups. Reportedly, Adivasis members of the scheduled castes (castes which are recognized by the Constitution as oppressed) and dalits, militant members of these castes, are particularly vulnerable and very often victims of ill-treatment leading to death. In certain States (in particular Bihar, Uttar Pradesh and West Bengal), Muslims are also said to be subjected to human rights violations on religious grounds.

332. The Special Rapporteur also received reports concerning alleged human rights violations by the security forces, including harassment, death threats and killings of journalists and human rights activists.

333. It has been reported to the Special Rapporteur that those responsible for human rights violations act in a climate of virtual impunity. In the States of Assam, Jammu and Kashmir and Punjab, and in other north-eastern States, the security forces benefit from specific legislation exempting them from

prosecution. The Armed Forces (Special Powers) Act of July 1990 provides that "no prosecution, suit, or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in the exercise of the powers conferred by this Act (sect. 6). These powers include the use of force, including lethal force, "against any person who is acting in contravention of any law or order for the time being in force ..." (sect. 4).

334. Under ordinary Indian law, torture is a crime (sects. 330 and 331 of the Indian Penal Code), but section 197 of the Code of Criminal Procedure provides that public servants, including police and executive magistrates, cannot be prosecuted without prior permission from the Government which employs them. In addition to restrictions on the liability for human rights abuses established by the law, it has been reported to the Special Rapporteur that the police, the security forces and other public services engage in widespread covering up, in particular of violence against detainees. Victims reportedly have to seek their rights through civil suits and private criminal complaints, which are said to be rarely successful.

Communications sent by the Special Rapporteur

335. The Special Rapporteur transmitted to the Government of India 95 cases of alleged extrajudicial, summary or arbitrary executions. In two cases, the victims were said to be minors. Eighteen cases allegedly constituted violations of the right to freedom of opinion and expression, religion and peaceful association and assembly. In one case, the Special Rapporteur intervened by sending an urgent appeal; all other allegations were transmitted in a letter on 31 August 1992. The Government sent one communication providing general information (dates of communications in brackets).

Urgent appeals

336. The Special Rapporteur sent an urgent appeal to the Government of India after receiving reports according to which Harjit Singh was arrested by police on 29 April 1992. On 12 May 1992, the police reportedly issued a statement that he had died in an encounter with terrorists. However, on 17 October 1992 Harjit Singh was allegedly seen by a warrant officer instructed to establish his whereabouts at the Mal Mandi Interrogation Centre, Amritsar. Fears were expressed that his life might be in serious danger (13 November 1992).

Other allegations

337. The following persons were said to have died as a result of torture and ill-treatment while in custody:

(a) 43 persons in police custody:

Rattan Singh Bisht, on 11 January 1991 at Hauz Khas Police Station, Dehli;

G. Joseph, on 17 January 1991 at Megnannapuram Police Station, Chidambaranar, Tamil Nadu and Pondicherry;

Ram Swaroop, on 31 January 1991 at R.K. Puram Police Station, Delhi;

S. Bose, activist of the Dravida Munnetra Kashagam Party, in February 1991 at Vilathikulam, Tamil Nadu and Pondicherry;

Savinder Singh, on 29 February 1991 at Lok Nayak Bhavan Directorate, near Khan Market, Delhi;

Darshan Singh, on 17 March 1991 at North East District Irwing, Delhi;

Nath Pradeep, on 18 March 1991 at Bihaguri, Assam;

Reshna, on 22 March 1991 at Gokulpuri Police Station, Delhi;

Shiek Mairaj, on 30 March 1991 at Bhadram Police Station, Orissa;

Ram Singh, an Adivasi in April 1991 at Bohandiguda Police Station, Madhya Pradesh;

Anil Lakara, on 20 April 1991 at Laipur Police Station, Bihar;

Kameshwar Ravi, in May 1991 at Chutia Police Station, Bihar;

Syamala Kumar, on 3 May 1991 at Attakkulangara Sub-Jail, Trivandrum, Kerala;

Jagannath, on 10 May 1991 at Lahori Gate Police Station, Delhi;

Tarsem Singh, a member of the Punjab Home Guards, on 15 May 1991 at Civil Lines Police Station, Amritsar, Punjab;

Divakaram, on 27 May 1991 at Mavelikara, Ala Puzha, Kerala;

Ram Pappu, an Adivasi, in June 1991 at Chutia Police Station, Bihar;

Ghangadharan, on 16 June 1991 at Karettu, Kerala;

Autar Singh, an independent candidate in State Assembly elections for Shatrana Village, in July 1991 at Patiala Interrogation Centre, Punjab;

Kuttapam, on 4 July 1991 at Parassala Police Station, Trivandrum, Kerala;

Ramesh, an Adivasi in August 1991 at Ateli Police Post, Haryana, Narnaul, Hassanpur;

Krishnamohon N. Singh, on 2 August 1991 at Kakching, Thoubal, Manipur;

Sheikh Jam Zahir, on 3 August 1991 at Jensi Nagar Police Station, Aurangabanbad, Maharashtra;

Kuber Lal, on 5 August 1991 at Hardoj Prison, Uttar Pradesh;

Manjit Singh, on 8 August 1991 at Sector 36 Police Station, Chandigarh, Punjab;

Lal Mohammad Sheikh, on 12 August 1991 at Murshidabad Police Station, West Bengal;

Jairam Singh, on 19 August 1991 at Patel Nagar Police Station, Delhi;

Bashir Ahmad, on 24 August 1991 at Madanapalle Town Police Station, Andhra Pradesh;

Khursid Ahmed, an Adivasi, on 24 August 1991 at Punana Police Station, Haryana;

Nashir Khan, on 30 August 1991 at Lilong, Manipur;

Susil Bag, in September 1991 in Orissa;

Khurshid Ahmed Adil, in September 1991 at Doabgah Interrogation Centre, Jammu and Kashmir;

Dwarina Thanur, on 4 September 1991 at Makhdumpur Police Station, Bihar;

Rajabayina Kasulu, on 5 September 1991 at Gudivada Taluk Police Station, Andhra Pradesh;

Guru Kumhar, an Adivasi, on 15 September 1991 at Bhumijpara, Bihar;

Rajendra Sharma, in October 1991 at Kotwali Police Station, Uttar Pradesh;

Rahisuddin (14), on 8 October 1991 at Dadri Police Station, Uttar Pradesh;

Raghunath, on 29 November 1991 at Guru Tegh Bhadur Police Station, Delhi;

Dona Babonga, an Adivasi on 4 December 1991 at Chaibasa, Bihar;

Muthusamy, in early 1992 at Oddanchathram;

Rasheed Ahmed, on 14 April 1992 at Lisadi Gate Police Station, Meerut, Uttar Pradesh;

Dushyant Tiyagi, on 15 April 1992 at Siani Gate Police Station, Uttar Pradesh;

Ganeshan, printer of the Tamil weekly newspaper Nakkeran, on 27 April 1992 in Tamil Nadu, allegedly for publishing a critical article on the treatment of the press.

(b) 17 persons in military custody:

Dhiraj Chowdhury, on 1 January 1991 at Bamudi, Assam;

Puran Rabha, on 19 January 1991 at Badia Lakhimpur, Assam;

Suresh Phukan, teacher and Vice-President of the Jatiya Unnayan Parishad, on 13 March 1991 at Dibrugarh, Assam;

Robin Bora (also known as Dhiran Bora), on 14 March 1991 at Meleng Sumada, Jorha, Assam;

Dhruvajyoti Gogoi, member of the United Liberation Front of Assam, on 19 March 1991 at Doomdooma, Tinsukia, Assam;

Chandrika Hazarika, on 23 March 1991 near Dibrugarh, Assam;

Shamburam, Saikia, on 28 March 1991 at Moukhuli Camp, Assam;

Paresh Lorbarva Barman, on 16 April 1991 at Sonkhuria, Assam;

Mohammad Ashrat, in July 1991 at an army interrogation centre in Jammu and Kashmir;

Ghulam Mohammad, in July 1991 at an interrogation centre in Jammu and Kashmir;

Khazir Mohammad and Abdul Aziz, on 25 August 1991 in an army interrogation centre at Bomay-Sopora, Jammu and Kashmir;

Mumtaz, on 13 September 1991, in Jammu and Kashmir;

Raj Kamal Choudhury, on 29 September 1991 at Narangi Army Camp, Assam;

Ghulam Mohiuddin Ganai, an activist of the Hizbul Mujaheddin, in October 1991 at an interrogation centre in Jammu and Kashmir;

Bubul Barua, on 20 October 1991 at Bandardawa, Assam;

Rajiv Baruah, on 6 November 1991 at Sonitpur, Assam.

338. In addition, the Special Rapporteur transmitted to the Government of India allegations concerning the following 34 persons:

(a) Ghulam Rasool, a journalist working for the daily newspaper Udayan, was reportedly killed by policemen on 27 December 1991 at Masjidguda, Andhra Pradesh, allegedly for his criticism of the local police. No investigation was said to have been opened;

(b) Narra Prabhakar Reddy, an advocate and human rights activist, was reportedly killed by four armed men allegedly linked to the police, on 7 December 1991, at Warangal, Andhra Pradesh. He was said to have been

threatened by the police for his activities as District Unit Convener of the Andhra Pradesh Civil Liberties Committee and Secretary of the District Bar Association. Reportedly, no one was arrested in connection with his killing;

(c) Mohammad Afzal was reportedly arrested in March 1991 by the 142 Battalion of the Border Security Force. He was said to have died after being subjected to torture at an interrogation centre in Pulwana, Jammu and Kashmir;

(d) 16 persons were reportedly killed and about 100 others injured when the police opened fire indiscriminately on unarmed striking demonstrators of the Chattisgharh Mukti Morcha Trade Union at Bhilai, Madhya Pradesh. Reportedly, a judicial investigation had been ordered by the State Goverment;

(e) Rohtas (also known as Fauji) was reportedly found dead in his cell on 30 August 1991 after two years of imprisonment in Tihar Central Jail, Delhi. An inquiry was reportedly ordered after the receipt of the post-mortem results, but no charges were said to have been brought against those responsible for his death;

(f) Ram Vilas, a textile mill employee, reportedly died as a result of injuries he had suffered on 11 July 1991, when he was beaten by police officials of the Adarsh Nagar police station and guards of the mill where he was employed;

(g) Velayudhan Pillai was reportedly arrested on 10 July 1991 by Forest Guards and later beaten to death by the police in Trivandrum, Kerala. No judicial or disciplinary action was said to have been taken;

(h) Dr. Anis Ansari, a doctor and social worker, was reportedly arrested on 16 November 1991 during a house search performed by agents of the Provincial Armed Constabulary in Varanasi, Uttar Pradesh. He was reportedly beaten in front of the District Magistrate and the Senior Superintendent of the Police and died of the injuries inflicted. No investigation into the case was said to have been opened;

(i) One man was reportedly beaten by members of the Central Reserve Police Force (CRPF) on 21 February 1992 at the Kharagpur Railway Station, Midnapore, West Bengal, after he had asked a CRPF agent to pay for a box of matches he had taken. He reportedly died on the same day as a consequence of the injuries he had suffered during this incident;

(j) Ram Dhan Singh was reportedly shot dead by a constable from Bally police station, West Bengal, on 19 February 1992, when he refused to pay a bribe to the police. Allegedly, no investigation into the case has been opened;

(k) Nine farmers were reportedly killed on 5 June 1992 by an army patrol at Tando Bahawal Village near Jamshoro. They were said to have been involved in a land dispute between two wealthy landlords, one of whom had

allegedly asked the soldiers to kill his rival's tenants. Disciplinary action against four senior commanders of the patrol was said to have been initiated, but it was not known that any of those responsible had been brought before a court.

339. With regard to a large number of cases, it was alleged that no investigations into the killings had been opened. In some cases disciplinary measures against security forces personnel were reported, but none of them was said to have been brought before a court.

Communications received from the Government

340. The Government of India provided the Special Rapporteur with information concerning the decision, taken at a conference of Chief Ministers of the States of India on 15 September 1992, to set up a National Human Rights Commission. The purpose of this Commission is to instil a sense of confidence in the Indian people regarding the commitment of the Government and society at large to the cause of human rights. The conference also adopted a resolution reiterating the commitment of Central and State Governments to the protection of vulnerable sectors of society such as the scheduled castes and scheduled tribes, women, agricultural labourers and those liable to be exploited through child labour and bonded labour. Any human rights violations anywhere in India should be dealt with sternly (22 September 1992).

341. The Government of India informed the Special Rapporteur about the safeguards provided in India's Constitution and other important laws, such as the Code of Criminal Procedure, the Indian Penal Code and the Indian Evidence Act, with regard to the fundamental right to life and personal liberty of all citizens. Mention was made of a legal process known as "public interest litigation", under which any individual or group can bring to the attention of the judiciary cases of violations of human rights. With regard to the establishment of a national human rights institution, necessary follow-up action was being undertaken on the resolution adopted by the Chief Ministers' Conference on 14 September 1992 (27 November 1992).

342. With regard to particular cases transmitted by the Special Rapporteur, the Government replied that inquiries had been opened and disciplinary or judicial action had been taken against the police personnel involved in the cases of: Ganeshan, Jairam Singh, Khursid Ahmed and Sheikh Jam Zahir. An investigation had also been opened into the death of Velayudhan Pillai.

343. Death from natural causes had been determined by post-mortem examinations in the deaths of Kuttappam, Divakaram, Syamala Kumar, Muthusamy, Chinnathambi and S. Bose. Ramesh had committed suicide. In all these cases, as well as in the case of Shri (not G.) Joseph, investigations excluded the involvement of police personnel.

344. Despite the efforts made by the government of Jammu and Kashmir and the security forces, it had not been possible to verify the allegations in the cases of Mumtaz, Khazir Mohammad and Abdul Aziz, Mohammad Ashrat, and Ghulam Mohammad.

345. Tarsem Singh had been beaten by four unknown masked persons on 1 (not 15) May 1991 and died subsequently. A plain-clothes policeman had witnessed the incident and called a police party which found Tarsem Singh lying unconscious on the ground. A criminal case was registered and investigations were carried out, but the culprits could not be traced.

346. Avtar (not Autar) Singh had been arrested for his involvement in terrorist activities and was killed in August (not July) 1991 when a group of terrorists attacked a police party digging up weapons in Gurdialpura Bir forest where he had led them. A post-mortem report determined gunshot injuries as the cause of death; no mention was made of any other injury or torture.

Follow-up

347. The Government of India informed the Special Rapporteur that even in States so affected by terrorism and insurgency as Jammu and Kashmir, to which most of the allegations related, the law enforcement officials performed their obligations in accordance with the Code of Conduct for Law Enforcement Officials. Every allegation of human rights violations was scrupulously investigated and most of them were found inaccurate, highly exaggerated or deliberately false. On the rare occasions when allegation had been borne out, disciplinary action was taken against those held responsible. Action, including imprisonment, had been taken against more than 230 officers and members of the security forces, and investigations and prosecutions were in process against several others. In the majority of the cases transmitted by the Special Rapporteur, the Government informed him that no such incidents had been reported to the competent authorities, while in a number of others investigations had been initiated (27 November 1992).

Indonesia

348. In 1991, the Special Rapporteur had sent a cable to the Government of Indonesia concerning the killing on 12 November of more than 50 persons who were participating in a demonstration convened to commemorate the death of two young persons killed in a clash with police the previous month. He had drawn attention to the need to investigate the events and to carry out such investigations in conformity with the Principles relating to the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Shortly thereafter, the Government replied, indicating that a National Commission of Inquiry had been established in order to investigate these deaths. The Special Rapporteur in turn sent a cable to the Government expressing satisfaction with the creation of the Commission and calling upon it "to ensure that a thorough, independent and impartial investigation into the circumstances of the killings of 12 November would be made and that those identified by the Commission as responsible for extrajudicial killings and other abuses would be promptly brought to justice". The Special Rapporteur also requested information about allegations to the effect that an additional number of persons, including witnesses to the events of 12 November, had subsequently been executed by members of the 700 and 744 Battalions of the Hasanuddin Division of the Indonesian army. (See E/CN.4/1992/30, paras. 279-283).

349. During 1992, the Government of Indonesia sent to the Special Rapporteur three notes, dated 27 May, 4 June and 30 June, containing information concerning the findings of the National Commission of Inquiry and the subsequent prosecution of 10 members of the army, who were tried for their role in the killings. The conclusions of the National Commission of Inquiry are as follows:

"The Commission has strong reasons and grounds to arrive at the following conclusions:

"1. The 12 November 1991 incident in Dili is the culmination of a series of earlier demonstrations/incidents perpetrated by the anti-integration group/FRETILIN/SDP. The FRETILIN/SDP, who are being increasingly isolated, have shifted their mode of operations from rural guerrilla to urban guerrilla, thereby abusively capitalizing on the development policy in East Timor based upon affection and prosperity and taking advantage of the situation as well as the restive mood among the young people to instigate them to oppose integration as well as to attract world attention to their existence.

"2. The 12 November 1991 incident in Dili, which caused a number of deaths and other casualties, was clearly not an act ordered by or reflecting the policy of the Government or the Armed Forces, be it in the capital or in the Province of East Timor. The 12 November 1991 incident was essentially a tragedy which should be deeply regretted.

"3. The 12 November 1991 demonstration in Dili showed elements of premeditated provocation by a group of anti-integrationist/FRETILIN/SDP and was not an orderly and peaceful procession dedicated to commemorate the death of Sebastiao Gomes.

"4. The demonstrators, who largely consisted of young people have acted belligerently, emotionally and destructively, partly as a result of agitations by the anti-integration group/FRETILIN/SDP by whom they have been influenced for quite some time. Furthermore, they consciously exhibited FRETILIN and Falentil flags, pictures of FRETILIN/SDP leader Xanana and banners and chanted anti-integration yells and insults at the members of the security apparatus.

"5. A number of foreigners took an active part in that demonstration.

"6. As the tense atmosphere reached a boiling point, started by the stabbing of an armed forces officer and the wounding of a private, and aggravated by the provocative belligerence and aggressive attitude assumed by the crowd which was perceived by the security personnel as posing a threat to their arms and to their safety, a spontaneous reaction took place among the security personnel to defend themselves, without command, resulting in excessive shooting at the demonstrators, causing deaths and wounded. At the same time, another group of unorganized security personnel, acting outside any control or command, also fired shots and committed beatings, causing more casualties.

"7. In the handling of the riotous condition during the 12 November 1991 incident, despite the presence of riot-control units, the Commission did not observe the optimal implementation of proper riot-control procedures. The actions of a number of security personnel exceeded acceptable norms and led to the casualties, be it in terms of deaths, gunshot wounds, stabbing wounds, or wounds by blunt instruments. Although the casualty toll until now was set at 19 dead and 91 wounded, the Commission feels that there are sufficiently strong grounds to conclude that the death casualties totalled about 50 while the wounded exceeded 91.

"8. There was careless handling of those who died, because although the visum et repertums were performed the deceased were not properly identified. Little opportunity was given to the families/friends of the victims to identify the bodies.

"9. The Commission is of the view that, in order to uphold justice, action must be taken against all who were involved in the 12 November 1991 incident in Dili and suspected of having violated the law, and they must be brought to trial in accordance with the rule of law, Pancasila and the 1945 Constitution upon which the Republic of Indonesia is based."

350. In so far as the prosecution of military personnel is concerned, the Government stated:

"1. Following the findings and recommendations of the Military Honorary Council (MHC) announced by the Army Chief of Staff, 10 military personnel were brought before the Military Court in Denpasar, Bali from 29 May to 5 June 1992. They were charged under the Military Penal Law for committing grave infringements of military ethics and violating military discipline, in particular disobeying orders. All of the 10 persons were found guilty as charged and sentenced to imprisonment ranging from 8 to 18 months. ...

"..."

351. The Special Rapporteur also received observations concerning the work and findings of the National Commission of Inquiry from Amnesty International, the source of the allegations which had led to the opening of this case. These observations contest the accuracy of the findings and conclusions of the Commission and allege that its composition, procedures and working methods were incompatible with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions in a number of important respects.

352. The Special Rapporteur is also concerned at the nature of the criminal charges brought against those tried for their participation in these killings and the length of the sentences imposed, which could be interpreted as contributing to a climate of impunity.

353. For these reasons, the Special Rapporteur has written to the Government of Indonesia, explaining the nature of and the basis for his continuing concern and requesting certain additional information. Information as to follow-up of this case will be provided in his report to the Commission on Human Rights at its fiftieth session.

Iran (Islamic Republic of)

354. The reports and allegations that have come before the Special Rapporteur indicate that extrajudicial, summary or arbitrary executions continue to occur on a large scale in the Islamic Republic of Iran.

355. At least 24 people were said to have been sentenced to death and executed for their participation in demonstrations of widespread popular protest against the Government's social and economic policies in the cities of Mashhad, Shiraz, Arak, Bukan, Shushtar and parts of Tehran in late May 1992. A large number of people were reportedly arrested in connection with these demonstrations and riots.

356. Executions of political prisoners, in particular suspected members or sympathizers of the Iraq-based opposition group People's Mojahedin Organization of Iran (PMOI), were also said to continue in 1992. A large number of people were reportedly executed after being sentenced to death for drug trafficking. Three members of the Bahá'í faith were reportedly executed on religious grounds.

357. It has been reported to the Special Rapporteur that trials leading to the imposition of the death penalty were held before Islamic Revolutionary Courts. The procedures before such courts were said to fall short of the internationally recognized fair trial standards. This concerns in particular the right to an adequate and qualified defence. It has been reported that in many cases defendants do not benefit from legal counsel, contrary to the provisions of article 35 of the Iranian Constitution and article 14 of the International Covenant on Civil and Political Rights. Allegedly, in the law dealing with the defendant's right to legal representation, no mention is made of his right to have a lawyer designated if he is unable to appoint one, and no provision appears to have been made guaranteeing the defendant the right to appeal to the Supreme Court if his right to have access to legal counsel and to be represented in court by a lawyer is not respected. In addition, it has been reported to the Special Rapporteur that trials before Islamic Revolutionary Courts are often held in camera. Some trials were said to have been held in prisons, and they often lasted only a few minutes.

Communications sent by the Special Rapporteur

358. The Special Rapporteur transmitted to the Government of Iran allegations according to which at least 200 people had been executed in the Islamic Republic. Four of the victims were reported to be minors. Twenty-nine cases allegedly constituted violations of the right to freedom of opinion and expression or religion. The Special Rapporteur intervened on behalf of more than 66 persons by sending four urgent appeals. Allegations concerning 148 others were sent in a separate letter.

Urgent appeals

359. The Special Rapporteur sent an urgent appeal after receiving information according to which, in the aftermath of the anti-Government demonstrations in Mashhad, hundreds of people had been arrested. Four people, Javad Ganjkhanloo, Golamhossein Pourshirzad, Ali Sadqi and Hamid Javid, were said to have been sentenced to death by Islamic Revolutionary Courts and executed on 10 June 1992 in Masshad prison, and four others on 11 June 1992. Reportedly, the execution of a further five prisoners had been announced by the Iranian State Radio. It was further reported to the Special Rapporteur that several hundred people had been arrested during demonstrations in Shushtar, Khuzistan province. Allegedly, orders had been given to the security forces to "shoot at demonstrators without hesitating". Fears were expressed that those arrested, both in Masshad and Shushtar, might face execution after trials which were not in conformity with internationally recognized fair trial standards (25 June 1992 and 17 July 1992).

360. It was also brought to the attention of the Special Rapporteur that Hassan Zolfaghari, allegedly a PMOI member, was handed over to the Iranian authorities by the Iraqi opposition group Patriotic Union of Kurdistan (PUK) in April 1991, together with Beshar Shabibi, another PMOI member. Reportedly, Beshar Shabibi was executed in Tehran in April 1992. It was feared that Hassan Zolfaghari, too, risked imminent execution (25 June 1992).

361. The Special Rapporteur sent another urgent appeal to the Government of the Islamic Republic of Iran after receiving reports that Bihnam Mithaqi and Kayvan Khalajabadi, who had been imprisoned for three years in Gohardasht prison in Karaj, were informed that they had been sentenced to death by an Islamic Revolutionary Court. The trials were said to have been incompatible with internationally recognized fair trial standards. In particular, it was alleged that the defendants were not present at their trials and that they did not benefit from legal representation. It was also alleged that their prosecution may have been due to their membership in the Baha'i community (4 September 1992).

362. The Special Rapporteur also received information according to which more than 50 people had been executed in the Islamic Republic of Iran during the months of September and October 1992. Nineteen persons were said to have been executed on 30 September 1992 in Tehran, and 17 others on 17 and 18 October 1992 in Tehran, all of them after being sentenced to death for drug trafficking by Islamic Revolutionary Courts.

363. The following persons were said to have been executed for their participation in the aforementioned anti-Government manifestations in Masshad, Shiraz and other cities: Saleh Amin Pour and Hasan Saidi, on 8 September 1992 in Tehran; Mohamed Tahghi Azimi, Namineh Nazeri, Habibollah Davari, Allah Koram Khazari, Akbar Kejchmi, Davouch Pazouki, Judollah Hachemi (17), Mohamed Mokweni (16), Mohamed Khoubron (17), Saide Malekzadeh, Houchingue Bani Mostafah and Djavade Pour Aazan on 29 September 1992 in the Fahide Information Centre. Four more people were reportedly executed in late September 1992, bringing to 24 the total number of those executed in connection with the May riots.

364. It was further reported to the Special Rapporteur that a large number of people had been arrested in Masshad and Shiraz. Fears were expressed that many of them might also be in danger of execution (30 October 1992).

Other allegations

365. The following persons were allegedly executed after being sentenced to death by Islamic Revolutionary Courts in trials which were said to fall short of internationally recognized fair trial standards (31 August 1992):

15 people in Gohardasht Prison, Karaj, on 3 January 1992;

7 people in Marageh, East Azerbaijan, on 5 January 1992, for "corruption on earth", committing acts of brigandage and armed robbery;

Yadollah Khossravi, Jabbar Rajabi and Siroos Pournorooz in Ilam City Prison, on 6 January 1992;

Hamid Salehpoor, in Ahwat City Prison, on 11 January 1992;

Shams Jahanhir Sarraf, in Evin Prison, Tehran, on 21 January 1992;

Rahim Darikvand, in Gohardasht Prison, Karaj, on 21 January 1992;

Sadeq Biralvand, in Qazvin Prison, on 21 January 1992;

Soleimani Effat Ghanizadeh, in Kermanshah Prison, on 21 January 1992;

Kiumars Najafi, in Masjid City Prison, on 30 January 1992;

6 persons in Bouroudjerd, Lorestan Province, on 19 February 1992, for collaborating with members of an international gang of drug traffickers;

1 person in Dizelabad Prison, Kermanshah, on 27 April 1992, for drug trafficking;

Lahaj Ali Ahmadi, Hamid Naderi, Mohammad Salami, Beshar Shabibi and Sarmadi in Tehran, on 7 May 1992;

15 people in Tehran, on 25 May 1992, for drug trafficking;

Mohammad Darabi (17), in Dizelabad Prison, Kermanshah, on 7 May 1992;

Fakhroddin Moradi, Hadi Mahmoudi and Ali Tatoureh, in prisons in Kurdistan, between 7 and 21 June 1992;

Hossein Jahaveri, Hossein Yadegari and Soleiman Kadkhodashir, on 9 or 10 June 1992 in Boukan Prison, Kurdistan;

7 persons in Shiraz, in late June 1992, for possession and distribution of 500 kilograms of heroin;

13 people, including four Afghans, in Birjand, during the first half of July 1992, for drug trafficking, illegal entry into Iran, armed robbery and murder;

Jafar Mo'ezzani, Hassan Baghalian and Rastgar, in Hamedan City Prison, on 30 July 1992;

16 further prisoners in Hamedan City Prison, on 30 July 1992.

366. The following persons were reportedly sentenced to death by Islamic Revolutionary Courts and subsequently executed for political reasons:

28 persons in Beresht-e-Zahra, during the second half of April 1992;

20 persons in Dizelabad prison, on 27 April 1992;

Hatan Djahanguiri Zadeh, in Tabriz, for being a sympathizer of the so-called Democrat Party. Allegedly, he had emphatically denied supporting any political movement;

Fereidoun Farokhzad-Araghi, a poet, actor and showman, in Bonn, in early August 1992. Allegedly, he had received death threats from agents of the Government.

367. In addition, the Special Rapporteur transmitted to the Government of the Islamic Republic of Iran the following cases of alleged extrajudicial, summary or arbitrary executions:

Bahman Samandari, in Evin Prison, Tehran, on 18 March 1992, one day after he was summoned by the authorities in order to receive a document. Allegedly, he was killed for his membership in the Baha'i community;

Raza Hoseini and Fereidoun Hachemi, on 26 September 1992, during a house raid by members of the Islamic Revolutionary Guard in Tehran;

Morteza Yazdi, in Evin Prison, Tehran, in 1989, in spite of the fact that he was serving an eight-year prison sentence. Allegedly, no reason was given by the authorities for his execution.

Communications received from the Government

368. At the time of the preparation of the present report, no communications had been received from the Government of the Islamic Republic of Iran.

Follow-up on allegations transmitted in 1991

369. The Special Rapporteur sent a letter to the Government of the Islamic Republic of Iran following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991. The Government of the Islamic Republic of Iran had provided replies to some of

these allegations. The Special Rapporteur requested the authorities to supply information also with regard to those for which no reply had been received so far (see E/CN.4/1992/30, paras. 289-303).

Iraq

370. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in Iraq on a large scale. In particular, attacks by the military against the population (including Marsh Arabs, internally displaced persons and refugees, and army deserters) in the southern Marsh areas were said to continue in 1992. It was reported that, during such attacks, the Iraqi military used heavy weapons, including tanks, helicopter gunships and fighter planes, against a number of civilian villages.

371. The Special Rapporteur also received information concerning mass executions, where at least 267 persons had reportedly been killed either without any trial, or after trials which were said to fall short of the internationally recognized fair trial standards.

Communications sent by the Special Rapporteur

372. The Special Rapporteur sent three urgent appeals to the Government of Iraq.

373. The Special Rapporteur intervened with the Iraqi authorities after receiving information concerning heavy attacks by the Iraqi military on the civilian villages of Shumbaara al-Awaili, al-Kabab, al-Mouzar, Um-al-Hosh and Abu Saboor on 9 July 1992, and on al-Wadia, al-Hajia and again al-Mouzar and Um-al-Hosh on 15 July 1992, all situated in the southern Marshes. One of these villages, Abu Saboor, had reportedly been attacked by the military on 1 and 2 February 1992, when Iraqi soldiers swept to the village in search of deserters. Allegedly, people were burnt to death inside their houses before the village was subjected to a random artillery barrage (17 July 1992).

374. The Special Rapporteur also sent an urgent appeal to the Government of Iraq after he had received information regarding mass executions in August 1992 at Deebka, near the town of al-Sharqat. Allegedly, about 200 people were killed by the military in groups of 5 to 10 persons. The victims were said to have had the colouring and features of people from southern Iraq. The Special Rapporteur reiterated his appeal to the Government of Iraq to effectively protect the right to life and carry out investigations with a view to identifying and bringing to justice those responsible for human rights violations (30 October 1992).

375. The Special Rapporteur sent another urgent appeal to the Government of Iraq transmitting allegations he had received concerning the execution, on 26 July 1992 in Baghdad, of Ra'ad Tabra and 41 other merchants (names of a further 33 can be consulted in the files of the secretariat). On 17 September 1992, a further 25 merchants and traders were said to have been executed. Reportedly, they had been charged with economic offences such as profiteering. It was alleged that the first 42 were sentenced to death in

trials which did not conform to the internationally recognized fair trial standards. With regard to the group executed in September, it was reported that they may not have had any trial at all. After a statement made by the Iraqi President Saddam Hussein that these punishment measures were "to assure the life of the people and to purge the Government and the society", fears were expressed that similar executions might follow (27 October 1992).

Communications received from the Government

376. At the time of the preparation of the present report, no communications had been received from the Government of Iraq.

Israel

377. The Special Rapporteur has received a number of reports and allegations referring to human rights violations, including extrajudicial, summary or arbitrary executions, in the Occupied Territories.

378. Broad application of new instructions issued to soldiers and civilians in the territories concerning rules for opening fire were said to have resulted in a rise in the number of deaths among the population. These regulations reportedly allow the use of lethal force as a "last resort" against Palestinians suspected of having committed or attempting to commit a wide range of activities deemed illegal by Israeli military orders and regulations. These include, inter alia, being a fleeing "suspect", writing graffiti, throwing stones, raising a Palestinian flag or wearing a kuffiyeh around one's face. In the beginning of 1992, the instructions for the use of firearms were said to have been relaxed even more to allow for the shooting of any person considered to be armed. By the end of August 1992, more than 160 people were said to have died, victims of political violence.

379. Members of the Israeli Defence Forces, border guards and undercover units of the security forces were said to be responsible for a large number of extrajudicial, summary or arbitrary executions of Palestinians and other Arabs in the Occupied Territories. Allegedly, lethal force has been used in situations in which it was neither necessary nor proportionate. Increasingly, children are said to be among the victims of such killings. With regard to the operation of undercover forces, it was reported to the Special Rapporteur that their task was to work among the Palestinian population to identify those defined as "activists" and to assassinate them. In this regard, the Special Rapporteur refers to the report presented to the General Assembly at its forty-seventh session by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/47/509).

380. The Special Rapporteur has also received reports of deaths in custody due to torture and ill-treatment of detainees during interrogations. Physical and psychological torture was said to be systematically used in Israeli prisons and detention centres.

Communications sent by the Special Rapporteur

381. The Special Rapporteur transmitted to the Government of Israel information he had received concerning the alleged violation of the right to life of five persons, among them one minor.

Urgent appeals

382. The Special Rapporteur transmitted an urgent appeal to the Government of Israel concerning the case of Ahmad Suleiman Musa Qatamesh, a Palestinian who was arrested on 1 September 1992 and has since been held at Ramallah prison. He was reportedly threatened with death by his interrogators. Allegedly, members of his family were also threatened. Both Ahmad Qatamesh and his wife were said to have been subjected to torture (1 October 1992).

Other allegations

383. The Special Rapporteur transmitted four further cases of alleged extrajudicial, summary or arbitrary executions to the Government of Israel. All of them were reported to have taken place in the West Bank. The victims were Palestinians, in one case a child of 11 years:

(a) Mustapha Al-Akawi reportedly died during interrogation in Hebron Prison on 4 February 1992, allegedly after being subjected to torture. Signs of ill-treatment were said to have been noted by the judge who prolonged his detention on the day before his death. An investigation by the Police Serious Crimes Division reportedly concluded that his death was not caused by any criminal act and recommended that the file on his case be closed;

(b) Mohammed Turkeman was reportedly killed by four men in civilian clothes on 10 December 1991, while riding in a taxi near Zabalsdeh, Jenin. The assailants then pulled him out of the car and studied his identity card. One of them reportedly stated that they had made a mistake. The taxi driver was warned not to talk about the incident;

(c) A boy of 11 was reportedly killed on 5 February 1992 in the West Bank. It was alleged that he had been playing with another child when they saw soldiers firing into the air and approaching them. According to the source, the boy was shot dead when he tried to run away;

(d) Bahia Mohammed Mahmoud Rabaya was reportedly shot by soldiers on 8 February 1992 in Irtas, Bethlehem, while riding in a car with other members of her family during a curfew which they were permitted to violate. She was said to have died on the way to the hospital. Two of her children were reportedly wounded by live ammunition.

Communications from the Government

384. At the time of the preparation of the present report, no communications had been received from the Government of Israel.

Follow-up on allegations transmitted in 1991

385. The Special Rapporteur sent a letter to the Government of Israel following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 326-327).

Jamaica

Follow-up on allegations transmitted in 1991

386. The Special Rapporteur sent a letter to the Government of Jamaica following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 328-329).

Jordan

Follow-up on allegations transmitted in 1991

387. The Special Rapporteur sent a letter to the Government of Jordan following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 330-334).

388. The Government of Jordan had replied to some of these cases. With regard to the remaining allegations, for which no replies had been received, the Special Rapporteur requested to be provided with information.

Kenya

Communications sent by the Special Rapporteur

389. The Special Rapporteur transmitted three cases of alleged extrajudicial, summary or arbitrary executions to the Government of Kenya (31 August 1992). All three concerned minors who were allegedly shot dead by members of the Kenyan Police; reportedly, no disciplinary or judicial action had been taken against those responsible:

(a) Martine Wamalwa (12) and Mutiembu Nanjala Wamalwa (5) were reportedly killed on 22 March 1992 in Kitale, Western Province;

(b) Mary Kiarie Wanjiru (14) was reportedly killed in Limuru.

Communications received by the Special Rapporteur

390. The Government of Kenya informed the Special Rapporteur that the case of Mary Wanjiru Kiarie had been brought before the courts and that the other two cases were under investigation (16 October 1992).

Kuwait

Follow-up on allegations transmitted in 1991

391. The Special Rapporteur sent a letter to the Government of Kuwait following up on allegations of extrajudicial, summary or arbitrary executions transmitted to this country in 1991 (see E/CN.4/1992/30, paras. 335-343).

392. The Government of Kuwait had replied on some of these cases. With regard to the remaining allegations, for which no replies had been received, the Special Rapporteur asked to be provided with information.

Lesotho

Communications sent by the Special Rapporteur

393. The Special Rapporteur transmitted to the Government of Lesotho information he had received concerning the alleged extrajudicial, summary or arbitrary execution of four persons (31 August 1992). One of the victims was a minor. Two cases allegedly constituted violations of the right to freedom of opinion and expression and peaceful assembly and association.

394. Two people were reportedly shot dead by police officers in the context of demonstrations supporting a nationwide teachers' strike in Maseru. Tsepang Tsira was said to have been shot in the head while travelling in a van with friends on 25 August 1992. Bathobakae Mokhathu (17) was reportedly killed during a demonstration on 27 August 1990. According to an eyewitness, he had not taken part in the demonstration. Although a police officer was said to have been arrested, it is alleged that no criminal prosecution has taken place.

395. Ngaka Sula, an official of the Construction and Allied Workers Union of Lesotho, was reportedly killed by a policeman in August 1991 for having allowed another member of that Union onto the site where he was working as a watchman.

396. Makakole Mofokeng was reportedly arrested by South African Police and transferred to the custody of the Royal Lesotho Police in September 1991. He was allegedly subjected to severe torture. Upon being sent to the headquarters of the Criminal Investigation Division at Maseru, he died on 28 October 1991. A post-mortem examination reportedly indicated asphyxiation as the cause of death.

Communications received from the Government

397. At the time of the preparation of the present report, no communications had been received from the Government of Lesotho.

Follow-up on allegations transmitted in 1991

398. The Special Rapporteur sent a letter to the Government of Lesotho following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 346-347).

Liberia

399. Detailed reports about the human rights situation in Liberia, including allegations of extrajudicial, summary or arbitrary executions, were received only after the final date for the consideration of information brought to the attention of the Special Rapporteur. A full assessment of these reports will be presented to the Commission on Human Rights at its fiftieth session.

Madagascar

Follow-up on allegations transmitted in 1991

400. The Special Rapporteur sent a letter to the Government of Madagascar following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 348-351).

Malawi

401. The Special Rapporteur has received reports indicating that the trial procedures leading to the imposition of the death penalty in Malawi were not in conformity with all the international instruments relating to fair trial. In particular, the Special Rapporteur was informed that offences for which the death penalty was mandatory (murder or treason) and those for which it may be imposed (rape, robbery with violence, housebreaking or burglary) were tried in so-called "traditional courts". Allegedly, in procedures before such courts, defendants do not benefit from all the internationally recognized guarantees for a fair trial: reportedly, defendants are not allowed to have lawyers and often may not call defence witnesses or cross-examine prosecution witnesses. The judiciary in such courts is said to be directly answerable to the President.

402. The Special Rapporteur has also received allegations according to which death threats were made by the authorities against critics of the Government and political exiles who might wish to return to Malawi.

Communications sent by the Special Rapporteur

403. The Special Rapporteur transmitted to the Government of Malawi information he had received concerning the alleged violation of the right to life of 16 persons. Two cases allegedly constituted violations of the right to freedom of opinion and expression.

Urgent appeals

404. The Special Rapporteur sent an urgent appeal to the Government of Malawi after receiving reports of the alleged imminent execution of 15 prisoners held at Zomba Central Prison, including: Winston Kabenthu, Style Pimri, Tobet Kamwendo, Leston Simba, Davison Maponda, George Sukali, Wilson Mwale Ngozo, Thenson Thomas, Lyson Nkhoma, Laurence Zuze and Bonfasio Petro (24 June 1992).

405. The Special Rapporteur sent another urgent appeal upon receiving allegations which expressed fear for the life and physical integrity of Chakufwa Chihana, who reportedly had published letters and speeches advocating political change in Malawi (3 August 1992).

Other allegations

406. The Special Rapporteur also transmitted to the Government of Malawi the case of Mkwapatira Mhango, an exiled journalist allegedly killed on 13 October 1989 in Zambia. Several sources indicated involvement of the Malawi authorities in his killing. Reportedly, Mkwapatira Mhango had been publicly denounced by the President of Malawi after making statements which were interpreted as being directed against the Government (31 August 1992).

Communications received from the Government

407. The Government of Malawi provided the Special Rapporteur with information in reply to his urgent appeal concerning the case of Chakufwa Chihana. It was stated that there were practically no political detainees in Malawi and that allegations according to which several political opposition figures had been killed were wild and unreliable. Chakufwa Chihana was subject to the judicial process taking its normal course as a citizen who had contravened a specific law in the statute books. His case was in the courts. He himself was alive and well (24 August 1992).

408. The Government of Malawi also informed the Special Rapporteur that the case of Mkwapatira Mhango had been transmitted to the appropriate authorities to deal with. Information concerning these allegations would be forwarded as soon as their reply was available (23 September 1992).

Malaysia

Communications sent by the Special Rapporteur

409. The Special Rapporteur transmitted an urgent appeal to the Government of Malaysia after receiving reports according to which 43 asylum seekers from Aceh, Sumatra, Indonesia, were at risk of extrajudicial execution if they were to be returned to Indonesia. The Special Rapporteur appealed to the Malaysian authorities to refrain from returning them without giving them a fair opportunity to establish entitlement to refugee status (12 August 1992).

Communications received from the Government

410. At the time of the preparation of the present report, no communications had been received from the Government of Malaysia.

Follow-up on allegations transmitted in 1991

411. The Special Rapporteur sent a letter to the Government of Malaysia following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 353-356).

Mali

412. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, occurred in Mali when the armed forces responded to attacks by Tuareg rebels on towns or villages in northern Mali by arresting, torturing and killing members of the Tuareg communities. In some cases, the armed forces allegedly executed civilians solely because of their ethnic origin.

Communications sent by the Special Rapporteur

413. The Special Rapporteur sent to the Government of Mali allegations he had received according to which three days after an attack on a military vehicle near Gossi in the Timbuktu region by a Tuareg armed group, an army unit arrived at Gossi on 23 May 1992. The soldiers reportedly arrested 10 Tuareg civilians who were said not to have been involved in the attack. Two of those arrested, Rhissa Ag Intekel and Ibrahim Ag Emarwel, were allegedly killed in Gossi. The others were said to have been taken to Gourma Rharous, about 150 kilometres north-west of Gossi. However, it was reported that some or all of the prisoners never reached their destination but were extrajudicially executed at Tinharra, some 25 kilometres from Gourma Rharous. Their names were reported to the Special Rapporteur as follows: Ibrahim Ag Abdou Kader, Alhassane Ag Baye, Bijiki Ag Intekna, Cheick Ag Bendeche, Ahamadou Ag Hamad, Inamoud Ag Amaye, Intalou Ag Ekawel and Mouaji Ag Attiyoub.

Communications received from the Government

414. At the time of the preparation of the present report, no communications had been received from the Government of Mali.

Follow-up on allegations transmitted in 1991

415. The Special Rapporteur sent a letter to the Government of Mali following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 358-362).

Mauritania

Follow-up on allegations transmitted in 1991

416. The Special Rapporteur sent a letter to the Government of Mauritania following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 363-366).

Mexico

417. The Special Rapporteur received reports concerning human rights violations, including death threats and extrajudicial, summary or arbitrary executions, allegedly perpetrated by members of the Mexican security forces. Human rights activists, critics of the Government, trade unionists and peasants, especially those belonging to indigenous communities, were said to be the main targets of violence. Indigenous communities were reported to suffer violations of their human rights in the context of land disputes. Powerful landowners, "caciques" and gunmen in their service allegedly cooperate with members of the security forces.

418. It was reported to the Special Rapporteur that complaints of human rights abuses were not properly investigated by the authorities on both the local and national levels. Only in few cases were those responsible said to be brought to justice.

Communications sent by the Special Rapporteur

419. The Special Rapporteur transmitted to the Government of Mexico information he had received concerning the alleged violation of the right to life of five persons, among them one minor. Two cases concerned violations of the right to freedom of opinion and expression and peaceful assembly and association.

Urgent appeal

420. The Special Rapporteur sent an urgent appeal to the Government of Mexico after receiving information concerning death threats against María Teresa Jardí, Director of the Department of Solidarity and Defence of Human Rights in the Archdiocese of Mexico and legal adviser to the Commission of Solidarity and Defence of Human Rights in Chihuahua, in late October. It was alleged that one of the threats referred to her investigations into the murder of Victor Manuel Oropeza Contreras (24 November 1992).

Other allegations

421. The Special Rapporteur transmitted the following cases to the Government of Mexico (31 August 1992).

422. Tomás Diego García was reportedly killed on 25 January 1992, when members of the Preventive Police, the State Judicial Police and local gunmen raided the Indian community of La Trinidad Yaveo, Santiago Yaveo, district of

Choapan, Oaxaca. Allegedly, he was shot dead when he was running, unarmed, after a vehicle in which several persons detained during the raid were abducted. Also during this raid, one agent of the State Judicial Police reportedly put his gun into the mouth of five-year-old Misael García Santiago, threatening him with death if he did not stop crying. The assault on the community of La Trinidad Yaveo was said to have been the latest of a series of incidents in the context of a conflict in which a sector of the community asserted their traditional land rights against local landowners who reportedly had seized part of the land in question.

423. The Special Rapporteur also transmitted to the Government of Mexico the case of Victor Manuel Oropeza Contreras, author of a daily newspaper column in which he criticized the Government and, in particular, the police, who was reportedly killed on 3 July 1991 in Ciudad Juarez. An investigation into the case, carried out by the State Police and the Federal Attorney's Office, was allegedly not conducted properly. According to the source, the case had not been investigated by the National Commission on Human Rights, which had been established by the Mexican Government in 1990.

424. In the case of Francisco Quijano García, whose body had been found on 11 March 1992 after he had been detained by agents of the Judicial Police on 21 June 1990, it was also alleged that the investigation of the case, carried out by the Federal District Attorney General's Office, was not conducted properly. A person identified by the authorities as the murderer of Francisco Quijano García reportedly claimed to be innocent and alleged that the police had threatened him with death if he revealed the truth.

Communications received from the Government

425. The Government of Mexico informed the Special Rapporteur that the Chamber of Deputies had unanimously rejected the acts of intimidation against María Teresa Jardí and requested the competent authorities to thoroughly investigate the death threats and to guarantee the safety of Mrs. Jardí and her family. The Human Rights Commission of the Chamber of Deputies equally rejected the acts of intimidation against Mrs. Jardí. The Federal Attorney's Office provided agents for her personal security. The President of Mexico, Carlos Salinas de Gortari, met with María Teresa Jardí in November 1992 and expressed his full support for the efforts to identify those responsible and punish them in accordance with the law. He also reiterated that Mrs. Jardí and her family would be granted all necessary guarantees for their physical integrity (26 November 1992).

Follow-up on allegations transmitted in 1991

426. The Special Rapporteur sent a letter to the Government of Mexico following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 368-370).

Morocco

Communications sent by the Special Rapporteur

427. The Special Rapporteur sent an urgent appeal to the Government of Morocco after he had received information according to which excessive force had been used by members of the police and military in order to disperse non-violent demonstrations, in the towns of Assa and Smara on 23 September 1992 and on 6 and 7 October 1992. Reportedly, police and Royal Gendarmerie agents fired indiscriminately on participants in the demonstrations, who demanded the implementation of the United Nations Peace Plan as well as the holding of the Referendum for Self-Determination provided for in that plan, and requested the Government to find solutions for the grave economic situation in the area. Ten people were said to have been killed and many others wounded (20 October 1992).

Communications received from the Government

428. The Government of Morocco provided the Special Rapporteur with information in reply to the aforementioned urgent appeal. It was stated that the allegations had been diffused by the Frente Polisario to mislead public opinion and the United Nations before the problem of the Sahara was discussed in the Fourth Committee of the General Assembly. Some incidents that had occurred in Smara and other towns of the Kingdom of Morocco were isolated events due to disputes between supporters and adversaries of some candidates during the electoral campaign which started in September for municipal and communal elections. However, nobody was reported seriously injured and no arrest was carried out. The Commander-in-Chief of the United Nations Mission for the referendum in Western Sahara (MINURSO) had declared on 23 October 1992 that the situation in Smara and Layoune was calm. On 28 October 1992, the Special Representative of the Secretary-General for the Sahara also declared that MINURSO did not corroborate the declarations made by the Frente Polisario (10 November 1992).

Follow-up on allegations transmitted in 1991

429. The Special Rapporteur sent a letter to the Government of Morocco following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

430. The Government of Morocco provided information in reply to all the cases brought to its attention. In two cases, it was reported that preliminary investigations had been opened before the competent courts. The Special Rapporteur requested the Government of Morocco to provide him with updated information, in particular the decisions taken as a result of those procedures and any measure adopted as a consequence thereof.

Myanmar

431. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in Myanmar on a large scale.

432. Several reports concerned gross human rights violations committed by the Myanmar security forces against Muslims in Rakhine (Arakan) State, also referred to as Rohingyas, in what was described as a general pattern of repression against religious or ethnic minority groups. Numerous extrajudicial, summary or arbitrary executions were said to take place in the context of forced labour. Members of minority groups are reportedly taken for porter duty by the military, either as punishment for suspected involvement with armed insurgencies or simply at random. While on duty, they are said to be subjected to severe ill-treatment including deprivation of food, water and sleep, beating with bamboo sticks and rifle butts, kicking with heavy boots, burning with cigarettes or slashing with bayonets. When, as a consequence of the hard work under such conditions, they fall ill or become too weak to work, they are reportedly killed by the military or simply left to die. The Special Rapporteur also received reports about deaths in military custody due to torture and ill-treatment.

433. As a consequence of the consistent and widespread human rights abuses in Rakhine State, approximately 300,000 Rohingyas were reported to have fled to Bangladesh by the end of April 1992. Entire villages were said to have been forced to leave in order to escape torture, ill-treatment and killing by the security forces.

Communications sent by the Special Rapporteur

434. The Special Rapporteur transmitted to the Government of Myanmar allegations concerning the alleged violation of the right to life of 99 persons. One case allegedly constituted a violation of the right to freedom of expression and opinion, religion, and peaceful association and assembly. The Special Rapporteur intervened on behalf of 90 persons by sending an urgent appeal and transmitted the remaining nine cases by letter to the Government of Myanmar, which replied to the allegations contained in the urgent appeal.

Urgent appeal

435. The Special Rapporteur sent an urgent appeal to the Government of Myanmar after it had been reported to him that 90 women, some of whom were said to be infected with the HIV-virus, were to be repatriated to Myanmar from Thailand, where they had been rescued from forced prostitution in Thai brothels. Allegedly, in April 1992, 25 women from Myanmar, who had been tested and found to be HIV-positive, had been executed by cyanide injections by the Myanmar military upon their return to the country. The Special Rapporteur urged the authorities to ensure the safety and physical integrity of all women repatriated to Myanmar and requested the Government of Myanmar to provide him with information regarding the steps taken to provide effective protection from extrajudicial execution (29 September 1992).

Other allegations

436. The following nine persons were reportedly extrajudicially executed by members of the Myanmar military forces (31 August 1992):

(a) Saing Shwe (22), Pu Sarn Shwe (40), Saing Say (33), Loong Sarm (30) and Pu Loi Haw (40), on 25 December 1991 in Lashio Township, Northern Shan State, was reported to have been killed by a military column led by Captain Tin Win of the 68th Light Infantry Regiment which was on patrol in the area. Saing Shwe and Loong Sarm were allegedly beaten and tortured to death by the soldiers. Pu Loi Haw was reportedly killed because the military suspected him of having made contacts with resistance forces;

(b) Lung Shaw (56) reportedly died on 11 November 1991 after he had been beaten and kicked until he lost consciousness, allegedly without any obvious reason, by soldiers from the Myanmar Army 247th Light Infantry Regiment Company 4 led by Captain Tun Than at Wan Yawn, Naung Nay ward, Nam San Township, in Shan State;

(c) Seng Moung (25) was allegedly arrested to serve as a porter by the Military Column No. 2 of the 33rd Light Infantry Regiment in October 1991 at Tarn Yarng Township, Northern Shan State. On 9 November 1991, he reportedly tried to escape but was rearrested by the military when, due to forced labour, malnutrition and a long journey, he was unable to cross a river. He was allegedly tortured and beaten by the soldiers and then thrown into the river; where he was said to have drowned;

(d) (N)awa Padvia Dhanibai was reportedly killed on 13 July 1992 by Forest Guards who had come, together with police officers, to the village of Kalibel in Taloda, a forest area being cleared for resettlement caused by the Sardar Saronar dam project. The Forest Guards allegedly opened fire on tribal people who were protesting against the prohibition of cultivating land in the resettlement areas, killing one woman and injuring seven other persons;

(e) Mohamed Ilyas (64), a Muslim from Buthidaung Township, Rakhine (Arakan) State, and local secretary of the National League for Democracy, reportedly died on 23 June 1992 as a consequence of a severe beating by Military Intelligence Services (MIS) personnel while in custody.

Communications received from the Government

437. The Government of Myanmar has provided the Special Rapporteur with information in reply to the urgent appeal concerning the alleged danger of extrajudicial execution for 95 women to be repatriated from Thailand to Myanmar. It was stated that the allegations mentioned in the Special Rapporteur's urgent appeal, that in April 1992, 25 women had been given cyanide injections after having tested HIV-positive were baseless accusations emanating from certain malefactors and certain non-governmental sources. The 95 women rescued from brothels in Thailand had returned to Myanmar safely (15 October 1992).

438. In addition, the Government of Myanmar provided the Special Rapporteur with a copy of State Law and Order Restoration Council (SLORC) Order No. 12/92 of 26 September 1992 by which executive and judicial martial law powers vested in certain military commanders within their respective military regions were revoked. The Government informed the Special Rapporteur that, by Order No. 10/92 of 10 September 1992, the SLORC had also lifted the curfew order

imposed from 11 p.m. to 4 a.m. (28 September 1992). An 18-member Convening Commission and a 36-member Management Committee to make preparations for the National Convention to be held in late 1992 or early 1993 were formed by SLORC Order No. 13/92 of 2 October 1992 (7 October 1992, 19 October 1992). The date for the meeting of the National Convention was fixed for 9 January 1992 (18 November 1992).

439. The Government of Myanmar also informed the Special Rapporteur about attacks by armed terrorist groups, including the Karen National Union (KNU) and the Karenni National Progressive Party (KNPP) on Htimukhi and Hweponglao camps in July and September 1992, after the Myanmar armed forces had suspended all military offensive operations in April 1992 with a view to securing amity among all national races for national unity and national solidarity. Counter-offensives were carried out to recapture the camps in August and September 1992, in self-defence and in response to the forays made by the armed terrorists (18 November 1992).

Follow-up on allegations transmitted in 1991

440. The Special Rapporteur sent a letter to the Government of Myanmar following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

441. The Government of Myanmar had informed the Special Rapporteur that the authorities concerned were looking into the cases. However, no reply was received with regard to these allegations (see E/CN.4/1992/30, paras. 381-387).

Nepal

Communications sent by the Special Rapporteur

442. The Special Rapporteur transmitted to the Government of Nepal allegations he had received according to which 10 people had been killed by members of the police and political party workers in various parts of the country during the local election campaign in May 1992. Allegedly, none of the perpetrators had been arrested and no inquiry into these incidents had been opened. The names of those reported as victims of such executions are: Tularas Acharya, Anthun Lal Kunwar, Ramsaran Yadav, Ram Prasad Singh, Abdul Miya, Om P. Yadava, Nathuni Mahoto, Dilli Ram Chaihan, Soti Mukhiya and Mahottari (31 August 1992).

Communications received from the Government

443. At the time of the preparation of the present report, no communications had been received from the Government of Nepal.

Nicaragua

Follow-up on allegations transmitted in 1991

444. The Special Rapporteur sent a letter to the Government of Nicaragua following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991.

445. The Government of Nicaragua had replied on some of these cases. With regard to the remaining allegations, for which no replies had been received, the Special Rapporteur requested to be provided with information (see E/CN.4/1992/30, paras. 388-393).

Niger

Follow-up on allegations transmitted in 1991

446. The Special Rapporteur sent a letter to the Government of Niger following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 396-397).

Nigeria

Follow-up on allegations transmitted in 1991

447. The Special Rapporteur sent a letter to the Government of Nigeria following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 398-411). The Government of Nigeria replied to this letter stating that a comprehensive reply was being prepared and would be forwarded to the Special Rapporteur as soon as possible.

Pakistan

448. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in Pakistan.

449. As in past years, the Special Rapporteur received several reports concerning trials leading to the imposition of capital punishment before Special Courts for Speedy Trial, set up under a Constitutional Amendment in Pakistan in 1991. It was alleged that in procedures before such courts, defendants did not benefit from all the rights and guarantees contained in international instruments, in particular with regard to the right to a public hearing, the right to present a full defence, the right to be presumed innocent until proven guilty and the right to appeal. Reportedly, Special Courts for Speedy Trial have to decide a case within 30 days. An adjournment, for example to obtain the testimony of defence witnesses, may not exceed days.

Appeals must be filed within seven working days before a Supreme Appellate Court set up under the same legislation. Reportedly, there is no possibility for a person tried by a Special Court for Speedy Trial to appeal to a High Court or the Supreme Court.

450. The Special Rapporteur also received reports concerning alleged extrajudicial, summary or arbitrary executions of political activists after their arrest by the police. In a number of cases it was also alleged that no inquiries into the circumstances of such killings had been carried out.

Communications sent by the Special Rapporteur:

451. The Special Rapporteur transmitted to the Government of Pakistan allegations he had received according to which 17 persons had been victims of extrajudicial, summary or arbitrary executions, including the following (31 August 1992):

(a) Mohamed Riaz Ahmed and Mehdi Khan were reportedly executed on 12 April 1992 in Karachi after being convicted of murder and sentenced to death by Special Courts for Speedy Trial. The procedures before these courts did not seem to conform to internationally recognized fair trial standards;

(b) Two landowners were reportedly killed while in police custody in June 1992 near Jamshoro in connection with a land dispute. Allegedly, no investigation into their deaths was carried out;

(c) Mohammad Yusuf Jakhrani, an opposition politician, reportedly died on 12 June 1992 in a military hospital at Kandhkot, allegedly as a consequence of injuries inflicted upon him during military interrogation. No inquiry into the case was said to have taken place;

(d) Younous, a prisoner under trial, was reportedly found dead in his cell at Kot Lakhpat Prison in Lahore in July 1991. No inquiry into his death was said to have taken place;

(e) Mohammad Idrees Bajwa was reportedly killed in an encounter with policemen in Toba Tek Singh in November 1990. Based on an investigation report published in June 1991, the registration of a case for manslaughter against six policemen was reportedly ordered. However, no results of such proceedings were said to have been made known;

(f) Ahmad Shakeel was reportedly tortured to death at the Crime Investigation Agency (CIA) detention centre in Karachi on 25 April 1990. Allegedly, no case was filed against the CIA officers involved. After his father filed a private complaint in court, proceedings reportedly began against eight CIA officers, but no results were said to have been made known.

Communications received from the Government

452. At the time of the preparation of the present report, no communications had been received from the Government of Pakistan in reply to the allegations transmitted by the Special Rapporteur in 1992.

Follow-up on allegations transmitted in 1991

453. In reply to the allegations of extrajudicial, summary or arbitrary executions transmitted in an urgent appeal of 11 November 1991 (see E/CN.4/1992/30, paras. 412-415), the Government of Pakistan provided the Special Rapporteur with information concerning Special Courts for Speedy Trials. It was stated that these courts had first been set up under the Special Courts for Speedy Trials Act, 1987 (V od 1987), in order to enable courts to deal with crimes arising out of terrorism. At present, they had their legal basis in the Courts for Speedy Trials Ordinance 1991, promulgated on 5 August 1991 and based on a 1990 constitutional amendment. The Special Courts for Speedy Trials were presided over by retired or serving judges of the High Court or persons qualified for appointment as judges of the High Courts. Appeals against the orders of the Special Courts lay to the Supreme Appellate Court, comprising a judge of the Supreme Court as its chairman and two judges of the High Courts as its members. The trial procedures before Special Courts were the same as those in the other courts of the country. No defendant had complained so far that he had not been given an opportunity for a proper defence. There had been several acquittals by Special Courts. In a number of cases, trial by these courts had been recommended even by the opposition. Not a single case had been sent to these courts for political motives.

Observations

454. Despite the assurances provided by the Government of Pakistan as to the rights of defendants in trials before the Special Courts for Speedy Trials, the Special Rapporteur remains concerned about continuing reports of shortcomings in the procedures before such courts. A modification of the procedures in conformity with the pertinent international instruments should be envisaged to avoid the application of death sentences without respect for all the guarantees and safeguards of a fair trial.

Paraguay

455. The Special Rapporteur has received reports indicating that, since the overthrow of the regime of General Alfredo Stroessner in 1989, respect for human rights in Paraguay has improved significantly: repressive laws have been repealed, restrictions on trade unions, political parties and the news media have been lifted and steps have been taken to bring to justice some of those responsible for human rights violations in the past.

456. Nevertheless, the Special Rapporteur continued to receive reports of human rights violations, including extrajudicial, summary or arbitrary executions, in the context of land disputes. Army and police personnel allegedly resorted to violence against peasant farmers attempting to establish land claims.

Communications sent by the Special Rapporteur

457. The Special Rapporteur transmitted the following two cases of alleged extrajudicial, summary or arbitrary executions to the Government of Paraguay (31 August 1992):

(a) Bernardo Ramirez, a peasant, was reportedly killed by a soldier of Military Detachment No. 1 in Yhovy, district of Corpus Christi, department of Canindiyu, on 15 February 1992. Allegedly, no investigation into the case has been conducted;

(b) Nery Otazu was reportedly killed on 5 April 1992 by the mayor of Fuerte Olimio, who was said to have broken into his father's house in a state of inebriety. It was alleged that no investigation into the case had been carried out.

Communications received from the Government

458. At the time of the preparation of the present report, no communications had been received from the Government of Paraguay.

Follow-up on allegations transmitted in 1991

459. The Special Rapporteur sent a letter to the Government of Paraguay following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 417-419).

Peru

460. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur in Peru on a large scale.

461. Widespread violations of the right to life still occur against the background of the armed conflict between the Government and guerrilla groups, in particular the Communist Party of Peru (Shining Path) and, to a lesser extent, the Tupac Amaru Revolutionary Movement (MRTA). According to official figures, between May 1980 and August 1992 this internal war has cost the lives of 24,517 persons; 10,286 civilians were said to have died as victims of political violence in which they were not directly participating. During the first 8 months of 1992, 2,074 persons were reportedly killed. Among the 1,029 civilian victims, peasants (379), shanty town dwellers (210) and members of rural patrols (164) were those most affected. Those killed included 306 members of the security forces, and 739 subversives.

462. As in former years, Shining Path was said to be responsible for a large number of killings, especially in rural areas where peasants organized in civil defence groups (rondas campesinas) or suspected of collaboration with the Government security forces continued to be the main targets. In urban areas, besides attacks on police stations, military barracks and shopping centres, Shining Path reportedly for the first time targeted the media,

exploding a truck bomb in front of Channel 2 broadcasting station in June 1992. According to figures presented by the Pacification Commission, 41.23 per cent of the victims of political violence in 1991 could be attributed to Shining Path, and 4.37 per cent of the total deaths to MRTA. Members of the military and the police, trade unionists, community activists, peasants, ronderos, journalists and foreigners engaged in cooperation projects were said to be among the victims of guerrilla violence, which also did enormous damage to the country's economy.

463. Numerous extrajudicial, summary or arbitrary executions were reported to have been carried out by the army and the security forces and other groups linked to them, or acting with their acquiescence and complicity. The principal victims in the Government's counter-insurgency activities continue to be peasants, who are often reported to be executed for their refusal to join the rondas campesinas, in retaliation for Shining Path attacks, or because they are suspected by the military of cooperating or sympathizing with Shining Path. Journalists, human rights activists, trade unionists, judges and court officials were also reported to be targets for death threats and extrajudicial, summary or arbitrary execution by members of the security forces.

464. The Special Rapporteur was informed that the number of killings for political motives had not declined in 1992. On 5 April 1992, Peruvian President Alberto Fujimori dissolved the Congress and established an executive-led Government of Emergency and National Reconstruction. Decrees passed shortly thereafter reportedly brought about the suspension of judicial guarantees of fundamental rights such as habeas corpus and amparo. Law No. 25,475 of 6 May 1992 was said to contain substantial restrictions of the right to defence for individuals accused of terrorism. An increase of violent guerrilla activities was reported in the aftermath of the events of 5 April 1992. The impact of the arrest on 12 September 1992 and subsequent sentences to life imprisonment of Abimael Guzmán, leader of Shining Path, on the future of the armed conflict remains to be seen. An upsurge of guerrilla violence, including attacks on schools, police stations, markets, commercial centres and banks, was reported around the time of the elections to the Congreso Constituyente y Democrático on 22 November 1992. The Shining Path had called off a paro armado (armed strike) to deter people from participating in the elections.

465. The Special Rapporteur was further informed that most of those responsible for human rights abuses continued to enjoy impunity. After 5 April 1992, all judicial and Public Ministry activities were suspended for 10 working days. This and the removal from their positions of a number of judges and prosecutors reportedly had the consequence that the judicial system stopped working in practice.

Communications sent by the Special Rapporteur:

466. The Special Rapporteur transmitted to the Government of Peru information that had come before him concerning the alleged violation of the right to life of 194 persons. In 20 cases, the victims were said to be minors; 67 cases allegedly concerned the violation of the right to freedom of opinion and

expression, religion, and peaceful assembly and association. By sending 10 urgent appeals, the Special Rapporteur intervened on behalf of 69 persons. Allegations concerning 125 others were sent to the Government in a separate letter. The Government provided the Special Rapporteur with information concerning 72 persons.

Urgent appeals

467. Luz Gladys Roque Montesillo, Inés Sinchitullo Barboza, Eduardo Rojas Laysequia, all three officials of the Prosecutor's Office in Huancavelica, and Manuel Antonio Córdova Polo, Provincial Prosecutor of Angaraes, were reportedly threatened on different occasions between February and July 1992 by members of the security forces, allegedly for their involvement in judicial investigations of the killing of 14 peasants in Santa Bárbara in 1991. Cynthia Temys Quesada Roque (2), daughter of Luz Gladys Roque Montesillo, was said to have been hurt in an attack against her mother in July 1992 (24 June 1992).

468. Gustavo Gorriti Ellenbogen, his wife Esther Delgado de Gorriti, and his daughters Galia (6) and Dafne (1), were reportedly threatened on 5 June 1992 by members of the State security forces, in particular the National Intelligence Service. Gustavo Gorriti Ellenbogen was also said to have suffered acts of harassment earlier in the year (25 June 1992).

469. The home of Judge Arturo Zapata Carbajal in Lima was reportedly raided by the military on 10 April 1992, during his absence. The soldiers allegedly questioned his father, Juan Zapata Veliz, and his two sons, Hans (10) and Kervín (8), about his whereabouts, threatening them with guns. Fears for Arturo Zapata Carbajal's safety were expressed (29 June 1992).

470. Nancy Valcarcel de Simón, wife of Yehude Simón Munaro, detained since 11 June 1992, has reportedly been subjected to death threats since the detention of her husband (9 July 1992).

471. Lorenzo Ccapa Hilachoque, Secretary General of the Unified Farmers' Federation of Espinar, and other leaders of the same union, including its Secretary, Juan Huarca Saico, were reportedly subjected to death threats and attacks by members of the police and the armed forces, allegedly in retaliation for denunciations of human rights abuses (7 August 1992).

472. Juan Luna Rojas, Secretary General of the Peruvian Workers' Federation (CTP) was reportedly the victim of an abduction attempt on 27 August 1992, when armed men, allegedly linked to the security forces, tried to force him into their car in Lima. Fears for his safety were expressed (16 September 1992).

473. On 28 September 1992, leaflets threatening with death more than 40 journalists and employees of the University of Ayacucho were reportedly distributed in Ayacucho. The threats were said to have been signed by a paramilitary group called "Antiterrorist Movement of Ayacucho". The

leaflet named the journalists Magno Sosa Rojas and Necías Taquiri Yanqui as well as 17 others (names may be consulted in the files of the Secretariat) (9 October 1992).

474. The Special Rapporteur sent an urgent appeal after receiving information about telephone death threats against another journalist in Ayacucho, Edilberto Coronado Reyes of La República, allegedly in connection with articles about links of a high-ranking police official with drug trafficking (12 November 1992).

475. The Special Rapporteur also intervened with the Government of Peru after he had received information according to which Avelino Vega, President of the ronda campesina of Challhuayaco, had been arrested by agents of the Technical Police on 17 February 1992, while he was travelling to Lima to denounce the killing of five peasants earlier in the same month. Fears were expressed that he might be at risk of extrajudicial, summary or arbitrary execution (24 June 1992).

476. The Special Rapporteur sent another urgent appeal to the Government of Peru after receiving reports concerning the deaths of Rafael Ventosilla Rojas, Alejandro Ventosilla Castillo, Paulino Ventosilla Castillo Rojas, Simón Ventosilla Castillo, Rubén Ventosilla Castillo and Marino Ventosilla Rojas. These six men had allegedly been arrested by members of the security forces on 27 April 1992 at Cejetuto Santa María, Huaura, released in May and then rearrested by soldiers on 24 June 1992, their bodies having been found the following day. Fears were expressed that four other persons who had been arrested on 27 April 1992, together with the six who were killed in June, might also be at risk of execution. Their names were reported as follows: Andrés Reyes Rojas, Gaudencio Tolentino, Walter Tolentino Romo and Alfonso Ventosilla Pablo (21 August 1992).

Other allegations

477. The Special Rapporteur transmitted to the Government of Peru information he had received concerning the alleged extrajudicial, summary or arbitrary killing of the following persons (31 August 1992):

(a) Teofilo Avendaño Chavez and 10 other persons (names may be consulted in the files of the Secretariat), on 22 June 1991, by members of the ronda campesina acting under the command of a captain of the Peruvian Army at Anexo de Moya, Quinua. No investigation into the case was said to have been opened;

(b) Carlos Vásquez Reinell and Salvador Carrasco Gómez, on 18 September 1991, in detention by members of the police at Tarapoto, San Martín, allegedly as a consequence of torture;

(c) Ely Sifuentes, Abel Santa María, Rafaél Ortiz González, Susy de Sifuentes and three unidentified persons, among them one person named "Willy", on 15 October 1991, by a Peruvian Army patrol at Pueblo Nuevo, Aucayacu, Leoncio Prado, Huanuco;

(d) Eight persons: Félix García Mansilla, Agripina Cabrera Morote, Gladys García Cabrera (17), Gregorio García Cabrera (9), Beatriz García Cabrera (2), Marcelino García Conchali, Atilio Gómez Huarani (17) and Zosimo Rodríguez Huamani, on 24 October 1991, when members of the Peruvian military attacked the home of the García family. Allegedly, no investigation into the case has been opened;

(e) Luis Alberto Díaz Astovela and 13 others, among them a child of nine years (names may be consulted in the files of the Secretariat), on 3 November 1991, when a group of armed men, allegedly linked to the security forces, opened fire on a group of people at a social gathering at Barrios Altos, Lima;

(f) María Paucar, Raymunda Jara Munoz, Javier Montes Solorzano, Sara Cautín Mallqui and (first name unknown) Rodríguez Paucar, on 23 January 1992, during an attack by armed men, allegedly linked to the security forces, on the home of Mr. Rodríguez Paucar, a well-known member of the political group Socialist Affirmation Movement, at Señor de los Milagros, Huaura.

(g) José Luis Marín González, arrested on 18 January 1992 by soldiers from the military base of Aucayacu, whose body was reportedly found without head and hands on 27 January 1992. His parents, Lince Marín Panduro and Emilia González Guerrero, were allegedly threatened by the military not to denounce the assassination of their son;

(h) Antonio Bazán Rodríguez (14) and 13 other persons, among them 5 more minors (names may be consulted in the files of the Secretariat), on 10 March 1992, after Peruvian Army and Navy personnel had intercepted the boat in which they were travelling to Bambú, Leoncio Prado, Huanuco, to collect bananas. Following a day in detention, they were said to have been executed by the soldiers;

(i) Samuel Triveños Huaman, Raúl Vásquez Lozano and Juan Carlos López Loayza, all three leaders of the Political Alliance-United Left, on 17 March 1992, by members of paramilitary forces acting under the command of Peruvian Army soldiers from Chaviñas, who reportedly killed them in public at Anexo Para, Chaviñas, Ayacucho, after questioning them about their political activities. Three men, Agapito Triveños Huaman, Alcides Triveños Díaz and Alfonso Triveños Díaz, were reportedly detained and threatened with death after having sought explanations about the death of the three politicians;

(j) Juan Hualla Choquehuanca, Francisco Atamari, Feliciano Turpo and Roberto Quispe Mamani, on 20 May 1992, by members of the Peruvian military at Ayaviri. Marks of torture allegedly found on their bodies are said to contradict the official explanation that they had died in a shoot-out or during an attempt to escape from detention;

(k) Ricardo Ruiz Salazar, arrested on 22 June 1992 by members of the Peruvian military from a military base at San José de Sisa, Lama, San Martín, and found dead on 24 June 1992 at the door of his sister's home, allegedly bearing marks of torture.

478. The Special Rapporteur also transmitted to the Government of Peru the following allegations he had received (31 August 1992):

(a) No investigation was said to have been opened into the case of Bernabé Baldeón García, reportedly detained and tortured to death by soldiers in Pacchahuallhua, Indendencia, on 25 September 1990;

(b) Raúl Antero Cazacuri Roca, arrested on 16 February 1991 by members of the Peruvian Army at Tarma, Junín, was found dead on 9 April 1991, allegedly presenting marks of torture;

(c) Teodoro Lorenzo Alvarado Castillo, arrested on 11 March 1991 by members of the Peruvian Army at La Unión, Arequipa, was found dead on the next day, allegedly presenting marks of torture;

(d) Javier Ccorimanya Rojas died on 27 May 1991 in a hospital at Andahuaylas, allegedly as a consequence of a bullet wound inflicted upon him by a soldier of the Peruvian Army;

(e) Luis Antonio Morales Ortegá, journalist, was killed on 13 July 1991 in Ayacucho by armed men, allegedly in the presence of three policemen who did not interfere. A witness to his killing, Celestina Huallanca Hinastroza, was reportedly assassinated, together with her husband, Francisco Solier, and two other persons, at her home in Ayacucho, on 18 July 1991 by members of a death squad called "Anti-terrorist Liberation Command";

(f) Isabel Lozano Ríos, arrested on 15 October 1991 by members of the Peruvian Army at Pueblo Nuevo, Leoncio Prado, and taken to the military base "Tingo María" was found dead three days later, allegedly bearing marks of torture;

(g) Félix Gutiérrez Coras, Governor of the District of Quinua, was reportedly subjected to death threats in January 1992 after denouncing multiple murders committed by members of the Civil Defence Committee of Quinua.

479. The following cases were brought to the attention of the Special Rapporteur by the Working Group on Enforced or Involuntary Disappearances. In the light of information concerning the localization of the bodies and the identification of those presumed to be responsible for their killings, the Working Group considered the cases as clarified. The Special Rapporteur transmitted them to the Government of Peru, requesting information concerning the results of the judicial proceedings initiated (31 August 1992):

(a) Timoteo Pinco Tello and eight others, among them three minors (names may be consulted in the files of the Secretariat), were reportedly killed on 22 September 1990 at Pongullo, San Pedro de Cachi. A Senate Commission reportedly concluded that those responsible for their killing were members of the Army and the Civil Defence Forces. Criminal proceedings were said to have been opened;

(b) Ysenia Osnayo Hilario and 14 others, among them 2 minors (names may be consulted in the files of the Secretariat), were reportedly killed on 4 July 1991 at Santa Bárbara, Huancavelica. Members of the 43rd Battalion of Panapas were reportedly charged with murder and other offences before a military court.

Communications received from the Government

480. The Government of Peru provided the Special Rapporteur with information in reply to the following cases:

(a) Luz Roque Montesillo et al.: no formal complaints had been filed against members of the military concerning human rights violations. The allegations were probably aimed at drawing attention to the massacre at Santa Bárbara, on the presumption that the authors of this incident would not be brought to justice. The attacks suffered by Ines Sinchitullo Barboza and Cynthia Temys Quesada Roque were duly denounced; no participation of military personnel could be proved. In addition, the authorities of Huancavelica had questioned Luz Roque, Manuel Córdova and Eduardo Rojas and reported to the Ministerio Público about their professional misconduct and support of Shining Path (2 December 1992);

(b) Nancy Valcarcel de Simón: the competent authorities had not received any complaint about death threats and were therefore unable to provide any information (7 August 1992);

(c) Magno Sosa Rojas and Necías Taquiri Yanqui: the Ministry for Internal Affairs informed the Special Rapporteur that both had signed declarations according to which they were in a good state of health and were exercising their journalistic activities (9 October 1992);

(d) Magno Sosa Rojas was arrested on 5 September 1992 at "Jorge Chávez" airport in Lima, in conformity with three arrest warrants issued for his suspected membership of an armed organization. Mr. Sosa Rojas remained in detention at Castro Castro prison (28 October 1992);

(e) Killings of peasants in Chavín, Huari, Ancash: Investigations carried out by the Ministry of the Interior had revealed that the six police agents involved had not used excessive force but had defended their police post against 600 peasants, some of whom were armed with firearms and dynamite (9 October 1992);

(f) Arturo Zapata Zarbajal: the Fiscal Adjunto Supremo en lo Penal, had not received any complaint regarding the case. The Ministry of Defence had stated that the date, circumstances and type of intervention excluded the involvement of members of the military in charge of the area in which Arturo Zapata Zarbajal resided (9 October 1992);

(g) Murder of 16 persons in Barrios Altos, Lima: the Provincial Attorney had returned the case to the anti-terrorism directorate for further investigations; no results had been forwarded so far (11 November 1992);

(h) Bernabé Baldeón García: from 23 to 27 September 1990, the military carried out a counter-insurgency operation at Pacchahualpa, Independencia, Vilhascuamán, during which 30 persons were temporarily detained. Bernabé Baldeón García died during detention due to a heart attack. The case had been transmitted to the police for investigation (11 November 1992);

(i) Teofilo Avendano Chávez and others: on 15 May 1992, criminal investigations were initiated against several members of the rondas campesinas of Quinua (11 November 1992);

(j) Teodoro Lorenzo Alvarado Castillo: investigations into the case have been opened by the Provincial Attorney's Office of La Unión. The Secretary-General of the Ministry of Defence reported that military justice procedures had been initiated against military personnel involved (11 November 1992);

(k) Raúl Antero Cajacuri Roca: the Ministry of Defence reported that investigations had revealed that Mr. Cajacuri Roca had not been arrested or detained by the Army. On 9 September 1992, the Provincial Attorney of Tarma decided to file the case since the authors of the killings could not be identified (11 November 1992);

(l) Javier Ccorimanya Rojas: arrested on suspicion of terrorist activities, he was shot when he tried to escape during his transfer to a Commando Post in Abancay on 28 May 1991. He was then taken to the hospital in Cusco, where he died on 6 June 1992. The Provincial Attorney's Office in Andahuaylas reported that investigations against the military personnel involved had been opened (11 November 1992);

(m) Samuel Triveños Huamán and others: investigations have been initiated by the Provincial Attorney's Office in Lucanas (11 November 1992);

(n) Juan Hualla Choquehuanca and others: two officials of the Peruvian Army were charged with murder on 22 July 1991 (11 November 1992);

(o) María Paucar de Rodríguez and others: investigations opened by the Provincial Attorney's Office in Huaura on 6 March 1992 were hindered by lack of collaboration by possible witnesses, who were terrified. Those responsible for the killings could not be identified. Nevertheless, investigations continued (11 November 1992);

(p) Carlos Vásquez Reinell and Salvador Carrasco Gómez: criminal procedures were initiated against three police officers (11 November 1992);

(q) Abel Santamaría and Rafaél Ortiz González: the case was returned to the Provincial Command of the National Police in Leoncio Prado for further investigations to identify those responsible for the killings (11 November 1992);

(r) The massacre at Santa Bárbara: charges of genocide had been filed against several members of the Peruvian Army (11 November 1992);

(s) Timoteo Pinco Tello and others: criminal procedures against an army sergeant were under way (11 November 1992);

(t) Félix Gutiérrez Coras: the Fiscal Superior Decano of Ayacucho and the Political and Military Chiefs at the Sub-Prefecture at Huamanga were requested on 1 April 1992 to provide the pertinent guarantees for the safety of Mr. Gutiérrez Coras (11 November 1992).

481. The Government of Peru also informed the Special Rapporteur that information had been requested from the competent authorities with regard to the following cases: José Luis Marín González and his parents, Antonio Bazán Rodríguez et al., Luis Antonio Morales Ortega, Feliz García Mansilla et al., Ricardo Salazar Ruiz, Isabel Lozano Ríos and Eli Sifuentes, Agapito Triveños et al. (11 November 1992).

482. In renewal of an invitation extended to the former Special Rapporteur in 1990, the Government of Peru invited the Special Rapporteur to visit the country at a date to be fixed, after the elections scheduled for 23 November 1992.

483. Pursuant to Commission on Human Rights resolution 1992/42, the Government of Peru submitted a large number of notes verbales concerning acts of violence, including massacres and bomb attacks leading to many deaths of civilians and security forces personnel, committed by armed insurrectionist groups, particularly Shining Path and MRTA, throughout 1992 (see above, paras. 460-463).

Observations

484. The Special Rapporteur appreciates the willingness shown by the Government of Peru by providing him with information in reply to a large number of the allegations transmitted. He remains concerned, however, at the persistent reports of widespread violations of the right to life in the country. Consequently, the Special Rapporteur very much welcomes the decision of the Government of Peru to renew the invitation to visit the country that was extended to his predecessor some time ago after the elections to the Democratic Constituent Congress on 23 November 1992. After consultations with the Government, the date for the visit has been set for May or June 1992.

Follow-up on allegations transmitted in 1991

485. The Special Rapporteur sent a letter to the Government of Peru following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 420-448).

486. The Government of Peru had provided the Special Rapporteur with information concerning judicial investigations into the killing of 14 persons in the community of Santa Bárbara. The Special Rapporteur requested the authorities to supply information also with regard to the remaining cases, for which no reply had been received.

487. In reply to this follow-up letter, the Government of Peru informed the Special Rapporteur that the Provincial Attorney of Yauyos had been requested to coordinate personal protection for Egidio Ore Mallco et al. (see E/CN.4/1992/30, para. 429) and to forward information about the investigations into the case. With regard to the purported death threats against José Arnaldo Salomé Adauto (see E/CN.4/1992/30, para. 424), a thorough investigation carried out by the armed forces had established that the allegations concerning his detention and subsequent escape were false.

Philippines

488. The reports and allegations received by the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur throughout the Philippines.

489. Most of the abuses are said to take place in the context of the ongoing violent political conflict between the Government and armed opposition groups, in particular the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP) engaged in guerrilla warfare. Despite initiatives by the Government directed at peace and unification (e.g. an amnesty for rebels who surrender and hand in their weapons, the repeal of statutes outlawing CPP and the institution of a National Unification Committee), which led to a joint declaration, on 1 September 1992, by the Government and the National Democratic Front, an umbrella organization of 13 underground organizations including the CPP and the NPA, to commence "formal peace negotiations", violations of the right to life continue to be reported.

490. Acts of violence, including killings, are said to be perpetrated by liquidation squads of NPA known as "sparrow units", military rebel forces and Muslim separatist forces such as the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF). On the other hand, the Government is said to continue its counter-insurgency policy of "total war": the Philippine Army, the Philippine National Police, the Citizens Armed Force Geographical Unit (CAFGU), a militia deployed by the military in counter-insurgency operations, and civilian volunteer organizations ("vigilantes") are said to be responsible for extrajudicial, summary or arbitrary executions and death threats.

491. It was reported to the Special Rapporteur that in regions with increased military presence, local residents were put under pressure, often through death threats, to join the CAFGU. Those repeatedly reported to be the victims of executions or death threats include farmers, community leaders, trade unionists, members of human rights and other civilian organizations and people linked with the Church. Allegedly, they are frequently accused of membership of or support for NPA. Once labelled as Communist supporters, they are said to be at high risk of human rights abuses, including execution.

Communications sent by the Special Rapporteur

492. The Special Rapporteur transmitted to the Government of the Philippines 13 cases of alleged extrajudicial, summary or arbitrary

executions, or death threats. Seven cases allegedly constituted violations of the right to freedom of opinion and expression, religion and peaceful assembly and association. By sending three urgent appeals, the Special Rapporteur intervened on behalf of three persons. Allegations concerning 10 others were sent in a separate letter. The Government provided information in reply to 5 cases.

Urgent appeals

493. Marcelo Fakilang, a community leader and human rights advocate, was reportedly attacked twice at his house in Sadanga, Mountain Province, by a group of soldiers of the 68th Infantry Battalion, accompanied by members of the CAFGU, in late January 1992. Allegedly, this was in connection with his political activities and outspoken criticism of human rights abuses by the military (24 June 1992).

494. Clovis Nazareno, a poet and journalist and co-founder of a local farmer's group, reportedly received death threats on repeated occasions and suffered an attempt on his life on 10 May 1992, allegedly carried out by members of the military. Clovis Nazareno's newspaper columns had frequently criticized government policies. It was alleged that he had sought, but was not granted, military protection (25 June 1992).

495. Eduardo Faelnar, a messenger for the Free Legal Assistance Group (FLAG), a network of human rights lawyers, was reportedly told that the local Military Intelligence Command (MICO) at Cagayan de Oro City would "eliminate" him if he did not cooperate with them. Since mid-November 1992 he was said to have been followed by members of MICO (4 December 1992).

Other allegations

496. The Special Rapporteur transmitted to the Government of the Philippines allegations according to which the following 10 persons had been killed by Philippine security forces:

(a) Efren Gamboa, a member of the Lotus Workers General Union, on 22 February 1992 at Kamaya, Maniveles, Bataan, by unidentified armed men allegedly linked to the military;

(b) Jerry Sabal, on 5 February 1992, at Barangay Langngagan, Sanchez-Mira, by members of the 50th Infantry Battalion of the Philippine Army. Allegedly, no investigation into his death has been carried out;

(c) Demetria Pedrano and her mother, Basilia Pedrano, both active church workers, on 15 February 1992 in the parish of San Miguel, Zamboanga, by members of a group called "Sagrado Corazón Senior" (SCS) which reportedly cooperates with the military in counter-insurgency operations;

(d) Artemio Reconalla, on 21 June 1992 by members of the CAFGU, reportedly after having received death threats by the CAFGU and the SCS, who suspected him of being a sympathizer of NPA;

(e) Mariano Cuenca, an active supporter of the National Federation of Sugar Workers, on 1 April 1992 at Hacienda Union, Barangay Camagao, by armed men believed to be members of CAFGU. Reportedly, he had been accused by the military and CAFGU of being a former NPA member;

(f) Wilson Alquiosola, on 1 February 1992 at Sitio Catiyo, Barangay Oaliling, by members of CAFGU acting under the command of the 7th Infantry Battalion of the Philippine Army;

(g) Juanito Salvador, a church activist, on 11 March 1992 at Sibul Spring, Sitio Hacienda, Barangay Gabon, by combined forces of the Philippine Army and the Philippine National Police, who reportedly accused him of being a top-ranking official of the Southern Region Bataan NPA. Juanito Salvador was said to have denied this accusation;

(h) Alfredo Conol "Dodong" and Alejandro Savilla "Loloy", both working for the Agro-Aquatic Services Association Inc., on 30 April 1992 at Agusan del Norte, by soldiers from military units which were said to be operating independently from local commands.

Communications received from the Government

497. The Government of the Philippines provided the Special Rapporteur with information supplied by the Philippine Commission on Human Rights (CHR) in reply to the following cases:

(a) Marcelo Fakilang: a fact-finding team dispatched to Sadanga, Mountain Province, on 9 May 1992 established that Marcelo Fakilang was the chairman of the Mountain Province chapter of the Cordillera People's Alliance, an organization branded by the military as a Communist front. He himself was suspected of being an NPA member. Marcelo Fakilang reported several incidents in which he had been subjected to death threats and harassment. At the time of the reply, CHR was in the process of gathering and consolidating evidence preparatory to the filing of a criminal complaint against an army sergeant named by Marcelo Fakilang and others who might later be identified (18 August 1992);

(b) Efren Gamboa: investigations conducted by the CHR regional office at San Fernando, Pampanga, disclosed that Efren Gamboa was killed on 22 February 1992 by unidentified gunmen at the New Public Market, San Carlos St., Mariveles, Bataan. Police and the Office of the Provincial Prosecutor revealed that he was implicated in an alleged conspiracy to burn the New Public Market (8 September 1992, information as of 30 April 1992);

(c) Jerry Sabal: his body, already in an advanced state of decomposition, was discovered at Barangay Langanan, Sanchez Mira, on 3 February 1992 and positively identified by his wife. Efforts to find witnesses to shed light on what had happened to him proved futile. The case was temporarily filed until new evidence and witnesses might lead to the solution of this case (8 September 1992, information as of 2 July 1992);

(d) Alfredo Conol and Alejandro Savilla: the CHR regional office based in Cagayan de Oro City investigated the case. Police also inquired into their deaths, suggesting that the two men had been abducted somewhere along Buenavista highway where no houses are located. A human rights organization in Butuan City informed CHR that Conol's death might have been related to a land dispute. As of 31 August 1992, police had not identified any suspects, since no witness had come forward to identify those responsible. So far, there was no indication that members of the security forces were involved in the killing, nor for its political or ideological motivation (29 October 1992).

498. Pursuant to Commission on Human Rights resolution 1992/42, the Government of the Philippines supplied information concerning acts of violence, including killings of civilians and members of the security forces as well as paramilitary forces cooperating with them, committed by the CPP/NPA and Muslim secessionist movements. For the first semester of 1992, rebel atrocities resulted in the death of 274 persons (see above, paras. 489-490).

Follow-up on allegations transmitted in 1991

499. The Special Rapporteur sent a letter to the Government of the Philippines following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 420-460).

500. The Government of the Philippines had replied to two of these cases, in which CHR had conducted inquiries. The Special Rapporteur asked the authorities to also provide information concerning the remaining allegations, for which no reply had been received.

Observations

501. The Special Rapporteur has decided to transmit the replies forwarded by the Government of the Philippines to the sources of the allegations for comments and observations, especially with regard to the instances in which he was informed that CHR had filed the cases for lack of testimony provided by witnesses. A full assessment of these cases will be presented to the Commission on Human Rights at its fiftieth session.

Rwanda

502. The reports and allegations that have come before the Special Rapporteur relate to extrajudicial, summary or arbitrary executions of unarmed civilians by the Rwandese security forces in connection with the armed conflict between government security forces and the Rwandese Patriotic Front (FPR). The Special Rapporteur also received information concerning killings of members of the Tutsi minority, in particular the Bagogwe clan, allegedly perpetrated with direct or indirect involvement of the security forces.

Communications sent by the Special Rapporteur

503. The Special Rapporteur transmitted to the Government of Rwanda information he had received concerning alleged violations of the right to life of at least 172 persons. In one case, the victim was said to be a minor. The Special Rapporteur intervened on behalf of one person by sending an urgent appeal. All other allegations were transmitted in a separate letter. The Government provided information of a general nature.

Urgent appeals

504. The Special Rapporteur sent an urgent appeal to the Government of Rwanda after receiving reports about death threats and acts of harassment against Fidèle Kanyabugoyi, Director at the Ministry of Public Works and member of a human rights group known as Kanyarwanda, in late August 1992. On the evening of 29 August 1992, a few days after he had been summoned by the Procurator General for the Court of Cassation to give explanations about his inquiries into mass killings of members of the Bagogwe clan in early 1991, in particular his findings that a local government official was involved in the killings, Fidèle Kanyabugoyi's house was reportedly attacked by nine armed men. In the light of earlier acts of harassment because of his human rights activities, fears were expressed that Mr. Kanyabugoyi's life was in danger (25 September 1992).

Other allegations

505. The Special Rapporteur transmitted to the Government of Rwanda the following allegations of violations of the right to life (31 August 1992):

(a) Jean Munyakazi and Apollinaire Niyonzima were reportedly arrested and later executed in early 1991 by members of the National Gendarmerie from Kanombe military camp, allegedly in connection with an attack by FPR in Northern Rwanda. No investigation into their executions was said to have been conducted;

(b) Musafiri Muhangi, a member of FPR, in early 1991, allegedly after being held in Kigali military barracks, where he was said to have been subjected to torture. No investigation was said to have been conducted;

(c) Antonia Locatelli, an Italian missionary, was reportedly shot dead on 9 March 1992 by a member of the Rwandese security forces at Nyamata parish church, allegedly for trying to assist a large number of Tutsi fleeing from violent attacks by members of the Hutu majority in Kazenze, Bugesera. No judicial or disciplinary action was said to have been taken against the soldier responsible for her killing;

(d) At least 150 members of the Tutsi minority were reportedly killed during attacks by Hutu gangs in Kazenze, Bugesera, in March 1992. No inquiries were said to have been opened by the authorities;

(e) Michel Karambizi, a Hutu businessman, his wife and his 10-year old child were reportedly killed on 4 October 1990 at their home near Kigali by members of the Rwandese security forces, allegedly for Mr. Karambizi's brother's suspected support of FPR;

(f) Phocas Nkinzingabo and 13 other unarmed Tutsi civilians from Kibuye, Kanama, were reportedly executed on 4 February 1991 by soldiers at Gisenyi military barracks, allegedly in retaliation for an FPR attack on the town of Ruhengeri on 23 January 1991.

Communications received from the Government

506. The Government of Rwanda provided the Special Rapporteur with detailed tables of human and material damage resulting from the armed conflict between government forces and FPR since October 1990 (30 March 1992). In addition, the Government provided the Special Rapporteur with a copy of the cease-fire agreement between the Government of Rwanda and FPR, as amended at Gbadolite, Zaire, on 16 September 1991 and at Arusha, United Republic of Tanzania, on 12 July 1992 (20 July 1992).

507. The Government of Rwanda also stated that on 25 March 1992 the "FPR-Inkotanyi" bombarded the camp of Rwebare in the community of Muvumba (Byumba), where 7,000 civilians displaced by the war were accommodated. At least eight of them were killed and many wounded (31 March 1992).

Follow-up on allegations sent in 1991

508. The Special Rapporteur sent a letter to the Government of Rwanda following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

509. The Government of Rwanda had replied to some of these cases. The Special Rapporteur requested to be provided with information also with regard to the remaining allegations, for which no reply had been received so far (see E/CN.4/1992/30, paras. 461-466).

Saudi Arabia

Communications sent by the Special Rapporteur

510. The Special Rapporteur sent an urgent appeal to the Government of Saudi Arabia after he had received information according to which on 3 September 1992, Sadeq Mal-Allah, a Shi'a, was beheaded in the eastern town of Al-Qarif. Reportedly, he had been sentenced to death at the age of 17 for slandering God, His Prophet and the Holy Qu'ran. Allegedly, during his trial, which was held in camera, he had not been allowed to have a lawyer. It was also alleged that Sadeq Mal-Allah was sentenced to death although he had recanted his statements. The Special Rapporteur was informed that two other Shi'as, Abdel Halek Abd-al-Galik al-Janabi (26) and Turki al-Turki (31) were arrested in January 1992 on similar charges and it was feared that they, too, might face execution soon (23 October 1992).

Communications received from the Government

511. By the time of the preparation of the present report, no communications have been received from the Government of Saudi Arabia.

Senegal

Follow-up on allegations sent in 1991

512. The Special Rapporteur sent a letter to the Government of Senegal following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 469-471).

513. The Government of Senegal provided the Special Rapporteur with replies on all the cases that had been brought to its attention. However, on several points the results of investigations into the matter by the Ministry for Foreign Affairs and the Ministry of Justice did not seem to coincide. The Special Rapporteur asked the Government of Senegal to provide him with additional information to clarify these cases. The Government informed him that the matter had been transmitted to the competent authorities. Without prejudice to their replies, it stated that the judicial investigation opened into one of the cases in question should fall under amnesty law No. 91-40 of 10 July 1991. That law did not aim at covering up for authors of human rights violations but had been adopted within the global social consensus to restore peace in the region of Casamance (27 November 1992).

Somalia

514. Detailed reports about the human rights situation in Somalia, including allegations of extrajudicial, summary or arbitrary executions, were received only after the final date for the consideration of information brought to the attention of the Special Rapporteur. A full assessment of these reports will be presented to the Commission on Human Rights at its fiftieth session.

South Africa

515. The reports and allegations that have come before the Special Rapporteur indicate that extrajudicial, summary or arbitrary executions continue to occur in the context of political violence in South Africa.

516. According to figures released by the Human Rights Commission of South Africa, 3,110 people lost their lives as victims of political violence between January and November 1992: 164 of these killings were attributed to members of the security forces, and 2,278 people were said to have been killed by "vigilantes", private armed groups defending their own vested interests in the perseverance of apartheid structures.

517. As in former years, the Special Rapporteur has received reports of massacres in black townships and squatter settlements. The recurrent pattern of such incidents was described as attacks by supporters of the Inkatha Freedom Party (IFP) acting with the active cooperation or at least the passive

support of members of the security forces, in particular the KwaZulu Police Force, the South African Police (SAP) and the South African Defence Force (SADF). During these attacks, residents of townships and settlements were reportedly attacked and killed at random.

518. Also in the context of political violence, the Special Rapporteur has received allegations according to which leading members of the African National Congress (ANC) and trade unions, in particular the National Union of Metal Workers of South Africa (NUMSA), had been victims of death threats and attempts against their lives.

519. The Special Rapporteur also continued to receive reports about deaths in police custody due to torture and ill-treatment, particularly in police stations in the Transvaal. It was alleged that none of the police officers involved was suspended from duty.

520. With regard to capital punishment, it has been reported to the Special Rapporteur that a moratorium on the execution of death penalties was first announced in the South African Parliament in February 1990.

Communications sent by the Special Rapporteur

521. The Special Rapporteur transmitted to the Government of South Africa information concerning the alleged violation of the right to life of at least 138 persons. Of these cases, 42 allegedly constituted violations of the right to freedom of expression and opinion, religion and peaceful assembly and association. By sending 5 urgent appeals, the Government intervened on behalf of 102 persons. Allegations of violations of the right to life of 36 others were sent in a separate letter.

Urgent appeals

522. The Special Rapporteur intervened on behalf of Willies Mchunu, Enoch Nzuza, Mike Mabuyakhulu and Samuel Nyawo, all members of ANC and activists of NUMSA, who had reportedly received death threats and suffered attempts against their lives. The attacks against them were said to have taken place in the context of a raid on Esikhawini township by hundreds of alleged IFP supporters, who were allegedly escorted by members of the KwaZulu Police Force and joined by members of SAP and SADF, on 16 February 1992, and subsequently on various occasions throughout the month of February 1992.

523. By the same urgent appeal, the Special Rapporteur transmitted to the Government of South Africa allegations he had received concerning the death of 21 people during an attack by armed IFP supporters from the KwaMadala hostel in Boipatong township and the nearby Slovo informal settlement, on the night of 17 to 18 June 1992. Although warned on the morning of 17 June 1992, the police reportedly did not try to stop the incident from happening but brought in the attackers with police vehicles (casspirs) (26 June 1992).

524. The Special Rapporteur sent another urgent appeal to the Government of South Africa after he had received reports according to which 32 people had been assassinated in Esikhawini township, Natal, during the month of

August 1992. The killings were said to have been carried out by hit squads linked to the KwaZulu Police Force. The following persons were reported to the Special Rapporteur as being among those killed on 26 August 1992: Dumisani Shandu, Victor Khumalo, Thembe Shandu, N Mathenjwa, Josiah Nxumalo and Phila Mthiyane, all six members of ANC, as well as ANC member and NUMSA shop steward Samuel Nyawo, who had already suffered attempts against his life. In the context of attacks on Esikhawini township, Bheki Ntuli, Northern Natal regional chairman of the Congress of South African Trade Unions (COSATU), and Enoch Nzuza, a member of ANC and regional organizer of NUMSA, reportedly escaped assassination attempts (21 September 1992).

525. The Special Rapporteur sent a third urgent appeal to the Government of South Africa after it was reported to him that Billy Thembinkosi and 27 other unarmed demonstrators (names may be consulted in the files of the Secretariat) had been killed on 7 September 1992 during an ANC march on the so-called "homeland" of Ciskei by soldiers of the Ciskei Defence Force who were said to have used automatic weapons, tear-gas and stun grenades against them. It was alleged that the Ciskei Defence Force had closed institutional links with branches of SADF. Its present commander-in-chief was said to be an officer seconded from SADF's Directorate of Military Intelligence. It was also reported that members of SAP who had accompanied the marchers on 7 September 1992 had withdrawn without protecting them (24 September 1992).

526. The Special Rapporteur also intervened with the authorities of South Africa after receiving information according to which Siza Rani, chairman of the Sharpeville township branch of ANC, was the target of systematic harassment by members of SAP based in the Vaal Triangle area. On several occasions between December 1991 and October 1992, police officers of the Internal Stability Unit (ISU) and other units based in Sharpeville were said to have forcibly entered Siza Rani's home and questioned his neighbours about his whereabouts. On 11 January 1992, the house was reportedly attacked with a hand-grenade. Fears were expressed for the lives of Siza Rani and his family, who were said to have been forced into hiding (3 November 1992).

527. Vusi Tshabalala, assistant secretary of the Thokoza Civic Association, and 17 other political activists and residents of Thokoza township were reportedly killed during the month of October 1992 by gunmen, allegedly acting on instructions from members of the police and operating with impunity. Fears were expressed for the life of Louis Sibeko, General Secretary of the Thokoza Civic Association, who was said to have been a target of harassment and surveillance for more than a year, allegedly for his human rights activities and his involvement in local peace efforts. These were said to have included providing evidence to the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation (Goldstone Commission) in relation with incidents of political violence in Thokoza and other East Rand townships (13 November 1992).

Other allegations

528. The Special Rapporteur transmitted to the Government of South Africa two more cases of killings in the context of massacres in black settlements (31 August 1992):

(a) Eighteen persons reportedly died on 3 December 1991 during a series of attacks by IFP supporters on Bruntville township, Natal. During the attacks, police and military vehicles were said to have been seen in the vicinity. Members of the security forces allegedly fired tear-gas at the embattled residents;

(b) Sixteen persons reportedly died on 13 February 1992 during an attack by more than 200 KwaZulu policemen, together with IFP supporters, on Uganda Squatter Camp at Umlazi, Natal. Members of SAP who were in the area allegedly did not interfere.

529. The Special Rapporteur also transmitted to the Government of South Africa two cases concerning death in police detention after torture and ill-treatment:

(a) David Mokgalaka reportedly died in the custody of SAP at Louis Trichardt police station, Louis Trichardt, Transvaal, on 1 November 1991, allegedly after having been subjected to torture. Reportedly, no charges have been brought against the policemen concerned and none has been suspended from duty pending an investigation;

(b) Solly Maele Mogashoa reportedly died on 14 October 1991 after he had been arrested by members of the Lebowa "Homeland" Police and taken to Namakgale police station at Phalaborwa, Transvaal, where he was allegedly subjected to severe beating. Reportedly, judicial proceedings against two police officers were started, but allegedly neither of them was suspended from duty.

Communications received from the Government

530. At the time of the preparation of the present report, no communications had been received from the Government of South Africa.

Follow-up on allegations sent in 1991

531. The Special Rapporteur sent a letter to the Government of South Africa following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no reply had been received (see E/CN.4/1992/30, paras. 472-490).

Sri Lanka

532. The reports and allegations that have come before the Special Rapporteur indicate that human rights violations, including extrajudicial, summary or arbitrary executions, continue to occur against the background of an ongoing armed conflict in the north-east of Sri Lanka.

533. The armed conflict between the security forces and the Liberation Tigers of Tamil Eelam (LTTE) reportedly continues throughout the northeast of Sri Lanka. The army, the police and the Tamil Eelam Liberation Organization

(TELO), an armed group cooperating with the military, as well as LTTE are said to be responsible for a large number of civilian deaths, either in the context of armed clashes or in reprisal killings.

534. The Special Rapporteur also received reports concerning death threats and acts of harassment against lawyers appearing on behalf of victims of human rights violations or taking up the defence of political prisoners as well as victims and witnesses who have testified against the security forces during inquiries into human rights violations or who have initiated other legal remedies.

Communications sent by the Special Rapporteur:

535. The Special Rapporteur transmitted to the Government of Sri Lanka allegations he had received according to which 101 persons had suffered violations of their right to life. In 24 cases, the victims were said to be minors. By sending two urgent appeals, the Special Rapporteur intervened on behalf of four persons. All other allegations were sent in a separate letter. The Government replied to most of these cases.

Urgent appeals

536. W.C. Neal Rajapakse and W. Charles, the brother and father of a young woman allegedly raped and extrajudicially executed by police officers in September 1990, were reportedly subjected to continuous threats and acts of intimidation by members of the Anuradhapura police between February and April 1992, allegedly with the aim of deterring them from appearing before the court to testify against the police officers concerned (25 June 1992).

537. The organization Lawyers for Human Rights and Development (LHRD) was subjected to continuous threats, allegedly by members of the security forces, in June and July 1992. Gunmen allegedly came to the offices of the organization on repeated occasions and asked for the whereabouts of the General Secretary, Kalyananda Tiranagama, and a legal officer called Mohen Seneviratne. Threats were also said to have been made to the organization's printers, who were told to stop producing the newsletters "People's Rights" and "Vinishchaya". LHRD is reportedly engaged in legal advice and assistance to victims of human rights violations and in literacy programmes for the people (20 July 1992).

Other allegations

538. Eight civilians, members of a family - Thambimuttuh Suppiah, P. Karunayamma, Vadivel, Kopalan Suppiah, and the children Saroja Suppiah, Sasikala Suppiah, Rajanayakam Suppiah and Neela Suppiah - were reportedly killed by a group of army personnel accompanied by members of TELO on 14 April 1992 in their house at Mandur, Batticaloa. The killings were said to have been reprisals for the murder, earlier that day, of two TELO members by members of LTTE who had been lying in ambush near the house of the Suppiah family (31 August 1992).

539. Eighty-nine Tamil villagers, including 20 minors, were reportedly killed on 29 April 1992 by a group composed of policemen and so-called Muslim Home Guards in the villages of Muthugal and Karapola, Polonnaruwa, allegedly in reprisal for a massacre, some hours earlier, of 54 Muslim villagers by members of LTTE. Most of the victims were said to have been shot or hacked to death in their village. Six persons were reportedly captured by Home Guards in the surrounding countryside, and one person was said to have been taken into police custody. Their bodies were found in an irrigation ditch on the following day. A special investigation into the case is reported to have been opened, but no disciplinary or judicial procedures were said to have been opened against those responsible, nor did the families of the victims receive any compensation. The names of 82 of the villagers are contained in lists which may be consulted in the files of the Secretariat (31 August 1992).

Communications received from the Government

540. In reply to the allegations transmitted in 1992, the Government of Sri Lanka provided the Special Rapporteur with the following information:

541. Concerning alleged acts of intimidation and threats against W.C. Nimal Rajapakse and W. Charles, it was stated that State counsel conducting the prosecution in the case of the abduction, rape and murder of W. Chandrawathie had informed the court that a witness had complained of threats by unknown persons. The Criminal Investigation Department (CID) was investigating the complaint. The CID had also conducted investigations into the alleged threats against W.C. Nimal Rajapakse which revealed that he had been stopped for questioning after he had taken photographs of the suspects in the case of W. Chandrawathie within the court precincts and could not prove that he was a journalist. A knife with a blade of unauthorized length had been recovered from his possession, whereupon he was taken into custody. Investigations by officers of the Anti-Subversive Unit established that W.C. Nimal Rajapakse was not connected with subversive activities. He was charged with being in possession of a knife of unauthorized length and pleaded guilty. W.C. Nimal Rajapakse was not a witness in the case of W. Chandrawathie. Investigations into the alleged threats to W. Charles, the father of W. Chandrawathie, were under way to establish the veracity of the complaint and, if it was justified, to identify the culprit (10 August 1992).

542. In response to death threats received by the LHRD (see above, para. 537), a police guard was placed at the LHRD office. Investigations were initiated. Since then, no more complaints had been received from the organization (21 August 1992). This information was corroborated by a member of LHRD who visited the Centre for Human Rights in October 1992.

543. Concerning the alleged massacre on 29 April 1992 of 89 Tamil villagers (see above, para. 538), it was stated that the attacks had been carried out by Muslim villagers from a nearby village, in retaliation for an earlier attack by LTTE terrorists which had cost the lives of 56 people. This was part of the "ethnic cleansing" strategy used by LTTE to drive Muslim and Sinhalese villagers out of the territory they claimed as their homeland. In the reprisal attack on Muthugal and Karapola, 74 Tamil villagers were killed and 44 others wounded. The Ministry of Defence of Sri Lanka appointed a committee

chaired by a retired judge of the Supreme Court to inquire into the two attacks, with a view to ascertaining who was responsible and establishing whether there was any lapse on the part of the security personnel, and to recommend measures to prevent the recurrence of incidents of this nature (13 November 1992).

544. Pursuant to Commission on Human Rights resolution 1992/42, the Government of Sri Lanka supplied information about several massacres and bomb attacks against the civilian population carried out by the LTTE in the Eastern Province, in particular in border villages. Most of the victims were Muslim villagers.

Sudan

545. The Special Rapporteur has received a number of reports and allegations concerning extrajudicial, summary or arbitrary executions in the Sudan.

546. Various sources drew the Special Rapporteur's attention to the situation in the south of the country, in particular in the city of Juba. Following an intensification in the battle between government forces and the Sudan People's Liberation Army (SPLA) in May 1992, government forces were allegedly responsible for numerous extrajudicial killings of detainees during the months of June, July and August 1992.

547. The Special Rapporteur has also received allegations concerning extrajudicial executions by the Sudanese Army of members of the Nuba ethnic group in the Nuba Mountains of South Kordofan.

548. Furthermore, it has been reported to the Special Rapporteur that a number of death sentences were imposed by military tribunals. Allegedly, not all the internationally recognized safeguards for a fair trial were ensured in the procedures before such tribunals.

Communications sent by the Special Rapporteur

549. The Special Rapporteur transmitted to the Government of the Sudan information he had received concerning the alleged violation of the right to life of at least 371 persons. One case was sent to the Government in a letter, all others were transmitted by three urgent appeals.

Urgent appeals

550. A group of 35 persons, all from the Nuba ethnic group, were allegedly detained without charge or trial in Lagowa garrison in western Sudan by the Sudanese army. They had been arrested in Lagowa, a small town in the Nuba Mountains, in November 1991 on suspicion of being linked to SPLA. After reports had been received that 19 of those arrested had subsequently been extrajudicially executed, fears were expressed for the lives of remaining nine persons, Mohamed Bakhit Daldum, Suleiman Fargallah Murfaieen, Ardeib Murfaieen, Gumma al-Theimir, Dafallah Tiya Jeilani, al-Haj al-Nur, Hakim Hamdeen, Haja Karshoum and Kalthum Daldum (27 February 1992).

551. The Special Rapporteur also intervened on behalf of more than 200 people who were reportedly arrested between June and August 1992 in Juba. Two of them, Andrew Tombe and Aboudwan Talle, both Juba-based employees of the United States Agency for International Development, were reportedly executed in early September 1992. Andrew Tombe had allegedly been sentenced to death in a secret military trial. Fears were expressed for the lives of the remaining prisoners (including David Tombe and 24 others whose names may be consulted in the files of the Secretariat) (9 October 1992).

552. At least 135 civil servants, politicians and community leaders from the Upper Nile State, most of them from the Nuer ethnic group, were reportedly arrested in Malakal in late October 1992. Jacob Duong Wuon and Jimma Bileu Kung were said to be held by the Military Intelligence, while David Koak Goak and at least 17 others (names may be consulted in the files of the Secretariat) were detained incommunicado by State Security. In the light of earlier reports about executions of prisoners in Sudan, fears for their safety were expressed (8 December 1992).

Other allegations

553. The Special Rapporteur transmitted another case to the Government of the Sudan. This concerned the death in detention of Abdel Moniem Salman, a member of the Sudanese teachers' union, who reportedly died in Kobar prison on 21 January 1991, allegedly after having been released from a military hospital and returned to Kobar prison in spite of his deteriorating state of health. Requests for rehospitalization were said to have been ignored. Reportedly, he died from a heart attack without receiving medical attention (31 August 1992).

Communications received from the Government

554. At the time of the preparation of the present report, no communications had been received from the Government of the Sudan.

Follow-up on allegations sent in 1991

555. The Special Rapporteur sent a letter to the Government of the Sudan following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

556. The Government of the Sudan had replied to some of these cases, stating that judicial investigations were under way. The Special Rapporteur requested the authorities to provide him with updated information about these procedures, in particular with regard to decisions taken and measures adopted as a consequence thereof. The Special Rapporteur also requested the Government of the Sudan to supply information regarding the remaining allegations, for which no replies had been received (see E/CN.4/1992/30, paras. 503-519).

Suriname

Follow-up on allegations sent in 1991

557. The Special Rapporteur sent a letter to the Government of Suriname following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 521-522).

Thailand

558. The Special Rapporteur has received reports concerning human rights violations, including extrajudicial, summary or arbitrary executions, in the context of popular protest against the institution of General Suchinda Kraprayoon as Prime Minister of Thailand in April 1992. The General had been one of the leaders of a military coup d'état that led to the overthrow of the democratically elected Government of Chatichai Choonkana on 23 February 1991. From 17 to 20 May 1992, the military reportedly used lethal force against civilian demonstrators during mass demonstration demanding the resignation of General Suchinda Kraprayoon and the return to democracy.

Communications sent by the Special Rapporteur

559. The Special Rapporteur transmitted to the Government of Thailand information he had received concerning the alleged violation of the right to life of 141 persons; 50 cases allegedly constituted violations of the right to freedom of opinion and expression and peaceful assembly and association.

Urgent appeals

560. The Special Rapporteur sent an urgent appeal to the Government of Thailand after receiving reports according to which at least 50 civilian demonstrators had been killed by the military during the anti-Government demonstrations in Bangkok between 17 and 20 May 1992. The Special Rapporteur also appealed to the Government of Thailand to ensure effective protection of the right to life of more than 700 people who were reported missing after they had been detained during the demonstrations (24 June 1992).

561. The Special Rapporteur sent another urgent appeal to the Government of Thailand after receiving reports concerning the alleged imminent repatriation of 90 women from Thailand to Myanmar, their home country. Allegedly, some of the women, who were said to have been forced into prostitution in Thailand, had been tested and found to be HIV-positive, and it was feared that they might be at risk of being executed upon their return to Myanmar. The Special Rapporteur requested the Government of Thailand to refrain from returning the women to Myanmar unless effective protection from extrajudicial execution was ensured (29 September 1992).

Other allegations

562. In a separate letter, the Special Rapporteur transmitted to the Government of Thailand the case of Ye Soe Aung, a national of Myanmar and a member of the All-Burma Students' Democratic Federation (ABSDF), who reportedly died on 4 November 1991 after being arrested and allegedly tortured by members of the Thai police at Nat Ein Daung, close to the Thai-Myanmar border (31 August 1992).

Communications received from the Government

563. The Government of Thailand provided the Special Rapporteur with information in reply to the urgent appeal concerning the alleged imminent expatriation of 95 women to Myanmar and the subsequent risk of extrajudicial execution for some of them. It was stated that between June and September 1992, the 95 women were rescued by Thai authorities from brothels and were given medical treatment for sexually transmitted diseases, education and vocational training and instruction on immigration laws. On 15 September 1992, the authorities of Thailand, Myanmar and the World Health Organization cooperated in the safe return of these 95 women to Myanmar. The Ambassador of Myanmar to Thailand had assured the Thai authorities of the safety of the women and guaranteed that their health would be examined and medical treatment provided (20 October 1992).

Togo

564. The Special Rapporteur received information that, after months of violent confrontation between the security forces and opponents of the one-party rule in Togo, President Eyadéma and his Government agreed to introduce a multi-party political system and hold a National Conference, which sat from July to August 1991. It examined human rights violations since President Eyadéma came to power in 1967 and elected Joseph Kokou Koffigoh as Prime Minister. Mr. Koffigoh then formed a transitional Government. The National Conference nominated the High Council of the Republic to oversee the transition process. President Eyadéma remained in office and retained control over the armed forces.

565. It was reported that in this context of instability and transition, the army tried to halt the process of reforms and destabilize the transitional Government by attempting, sometimes successfully, to kill political leaders of the opposition. Journalists critical of the President were also said to have been threatened with extrajudicial execution.

Communications sent by the Special Rapporteur

566. The Special Rapporteur transmitted to the Government of Togo information he had received concerning the purported violation of the right to life of eight persons. All cases allegedly constituted violations of the right to freedom of opinion and expression and peaceful assembly and association. In three urgent appeals, the Special Rapporteur intervened on behalf of seven persons. One case was sent in a separate letter.

Urgent appeals

567. Bertin Kangni Foly, director of the weekly newspaper La Parole, was reportedly charged with "publishing false information likely to disturb the public order" and "undermining the honour of and respect for the President" (articles 61 and 52 of the Press Code of 1990), after publishing an article alleging that the President was supporting a rebel group of the army of Benin. Since the publication of the article, Bertin Kangni Foly allegedly received death threats which forced him into hiding. Although his trial was scheduled to begin on 7 October 1992, seven police officers were said to have come to his house to "escort him to court" on 23 September 1992 (14 October 1992).

568. In an attack on the motorcade of Gilchrist Olympio, President of the Union of Forces for Change (UFC) coalition, on 5 May 1992, 4 persons, Mama Touré Moussa, Atchankpa Zakari Curo, Tchadjibo Alasa Sama and Atideze Atidepe were killed and 12 persons, including Gilchrist Olympio, were injured. The attack was allegedly planned and carried out by members of the army with the complicity of high levels of the army command (19 October 1992).

569. Death threats were reportedly received on 22 October 1992 by the office of the newspaper Forum Hebdo, allegedly in connection with articles on demonstrations protesting against an official visit of the President of Togo to Benin. On the same day, the police were said to have searched the office. Another journalist, Rico Tettekpoe, of the national radio and television station in Lomé, was also reported to have received death threats (9 November 1992).

Other allegations

570. The Special Rapporteur transmitted to the Government one more case of alleged extrajudicial, summary or arbitrary execution. According to the information received, Tavio Amorim, leader of the Panafrican Socialist Party (PSP), Secretary-General of the Confederation of Democratic Opposition (COD II) alliance and Head of the Commission for political affairs, human rights and freedoms at the High Council of the Republic, was shot and fatally injured on 23 July 1992, after a meeting with opposition groups in Lomé. The Government had allegedly stated that a police identity card found near the scene of the shooting indicated the responsibility of the security forces for the killing (31 August 1992).

Communications received from the Government

571. At the time of the preparation of the present report, no communications had been received from the Government of Togo.

Follow-up on allegations sent in 1991

572. The Special Rapporteur sent a letter to the Government of Togo following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no reply had been received (see E/CN.4/1992/30, paras. 527-531).

Trinidad and Tobago

Follow-up on allegations sent in 1991

573. The Special Rapporteur sent a letter to the Government of Trinidad and Tobago following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991 (see E/CN.4/1992/30, paras. 533-534). The Government of Trinidad and Tobago had replied to that letter, stating that the case was pending in the competent court. The Special Rapporteur requested the authorities to provide him with information about the decision taken as a result of these procedures or any other measures adopted as a consequence thereof.

Tunisia

574. The reports and allegations that have come before the Special Rapporteur indicate the occurrence of deaths caused by torture and ill-treatment of detainees in different police stations in Tunisia. Activists of "en-Nadha", an illegal Islamist movement, were reported to be victims of such practices.

Communications sent by the Special Rapporteur

575. On 31 August 1992, the Special Rapporteur transmitted to the Government of Tunisia four cases of death in detention of Islamist activists, allegedly as a consequence of torture. The names of the victims were reported to the Special Rapporteur as follows:

(a) Rashid Chammakhi reportedly died on 27 October 1991 at Nabeul police station;

(b) Faisal Barakat reportedly died between 8 and 11 October 1991 at Nabeul police station;

(c) Nejib Laamari reportedly died shortly before 20 January 1992 at Bélà police station;

(d) Mouldi Ben Amor reportedly died on 21 January 1992 at a police station in Tunis.

Communications received from the Government

576. In reply to the allegations of extrajudicial, summary or arbitrary executions transmitted in 1991, the Government of Tunisia informed the Special Rapporteur that such practices did not exist in Tunisia because executions could be carried out only as a result of a sentence pronounced in accordance with all the legal guarantees. With regard to the specific cases, the Government of Tunisia replied as follows (19 November 1992):

(a) Rashid Chammakhi was arrested on 26 November 1991 (not on 24 October) on suspicion of active participation in the constitution of a group trained to carry out acts of sabotage in the region of Nabeul. He died in the University Hospital Centre at Nabeul some hours after his arrest.

Two medical examinations determined hepatic and renal insufficiency as cause of death. He had therefore not been tortured, contrary to the allegations. Requested to consider a reopening of investigations into his death, the Public Prosecutor of Grombalia examined the allegations of direct or indirect ill-treatment, but did not find elements to justify a reopening of the case on the basis of article 121 of the Code of Criminal Procedure;

(b) Faïçal Barakat died on 11 October 1991 in an accident on "Grabi" road in Menzel Bouzelfa. Contrary to the allegations, judicial investigations were first conducted by the Public Prosecutor at Grombalia into this case, which was later provisionally filed. In response to the allegation that his death had not been accidental, the Public Prosecutor at Grombalia had recently decided, on the basis of article 121 of the Code of Criminal Procedure, to reopen the investigations;

(c) Mohamed Néjib Ben Ali Ben Saad Laamari was arrested on 31 January 1992 (not on 15 November 1991) on suspicion of preparing Molotov cocktails and other explosive material with a view to carrying out missions of destruction and attacks on persons and property. He was acquitted on 14 July 1992 by the court of first instance in Béjà. He was alive and in freedom. Allegations that he had died due to torture were false;

(d) Mouldi Ben Amor was arrested on 20 July 1991 (not on 15 December 1991) and brought before the court of first instance in Tunis on 21 July 1991 for belonging to a non-recognized association. Mr. Ben Amor, who was in medical treatment, had to be transferred to Marsa hospital after complications. He died there despite intensive care. A death certificate delivered by a doctor of Marsa hospital confirmed that his body did not show any trace of violence or traumatisms and that his death was from natural causes.

Follow-up on allegations sent in 1991

577. The Special Rapporteur sent a letter to the Government of Tunisia following up on allegations of extrajudicial, summary or arbitrary executions that had been sent to that country in 1991.

578. The Government of Tunisia had replied to all these allegations. With regard to two cases, it was reported that judicial investigations had been initiated to determine the cause of death. The Special Rapporteur asked the Government of Tunisia to provide him with updated information about these procedures, in particular decisions taken as a result of the investigations and any measures adopted as a consequence thereof. In reply to the follow-up letter sent by the Special Rapporteur, the Government of Tunisia informed him that the judicial investigations into the deaths of Abdelaziz Mahwashi and Abderarrouf Laaribi were still under way. Irrespective of the outcome of these investigations, their families were granted aid in specie and a monthly allowance (see E/CN.4/1992/30 and Corr.1, paras. 535-545).

Observations

579. The Special Rapporteur appreciates the willingness to cooperate shown by the Government of Tunisia by replying to all the allegations transmitted, both in 1991 and 1992. In particular, he has noted with satisfaction that financial aid was granted to the families of possible victims of violations of the right to life.

Turkey

580. The Special Rapporteur has received a large number of reports and allegations regarding human rights violations, including extrajudicial, summary or arbitrary executions, in Turkey.

581. The core of the reports and allegations of extrajudicial, summary or arbitrary executions that have come before the Special Rapporteur concern the situation in the south-eastern parts of Turkey. The armed conflict between the Turkish security forces and the Partiya Karkeren Kurdistan (Kurdish Workers' Party) (PKK), seeking to establish an independent Kurdish state started in August 1984 with armed attacks by PKK against the security forces. Since then, more than 3,000 lives were said to have been lost on both sides and among the civilian population. Emergency legislation with wide powers for the Emergency Legislation Governor in Diyarbakir has been in force in 10 provinces since 1987.

582. The Special Rapporteur has received an alarming number of allegations of civilian casualties resulting from the use of excessive and arbitrary force by the Turkish security forces. Virtually every day, extrajudicial, summary or arbitrary executions were reportedly perpetrated by members of the Turkish Army, the police, "village guards" paid by the authorities to fight the guerrillas and the "Kontrgerilla", a secret service undercover force allegedly affiliated to the Special Warfare Department and engaged in secret operations against Kurdish separatists. Local politicians, in particular members of the People's Labour Party (HEP), generally perceived as being sympathetic to Kurdish interests, representatives of the Human Rights Association (IHD), journalists investigating human rights abuses and villagers who refuse to participate in the "village guards" system especially when they are suspected of links with PKK, either directly or through family members, were most often reported to be the victims of executions, death threats and acts of intimidation and harassment.

583. In a number of cases, executions were allegedly perpetrated without relation to any particular incident. In some instances, the killings of civilians reported to the Special Rapporteur were said to have been reprisal actions for previous attacks by PKK guerrillas. PKK attacks had resulted in the death of more than 1,000 civilians and a large number of security forces personnel.

584. According to the information submitted to the Special Rapporteur, violence in various locations of the Kurdish populated south-eastern parts of Turkey intensified particularly in late March and during the months of August, September and October 1992.

585. In connection with the celebrations of Nevroz, the Kurdish New Year, it has been reported to the Special Rapporteur that members of the Turkish Army and police deliberately fired upon unarmed civilians, both at Nevroz celebrations and at demonstrations held during the days that followed. The military allegedly used heavy arms in attacks on civilians in the streets and civilian houses. In some instances, the events were said to have turned into clashes between members of PKK and the security forces. The use of force by the military and security forces personnel reportedly resulted in the death of 94 persons, almost all of them Kurdish civilians, including a large number of children, women and elderly people.

586. A further deterioration of the situation was reported between August and October, when the Turkish security forces were said to have used tanks and heavy artillery in what was described as a pattern of military violence against civilian houses and shops in a number of cities and villages in the region, killing and injuring many people.

587. Apart from violence in connection with the Kurdish question, the Special Rapporteur also received reports and allegations concerning extrajudicial, summary or arbitrary executions, including deaths in custody, death threats and acts of intimidation and harassment against members of political parties, trade unions and human rights organizations.

Communications sent by the Special Rapporteur

588. The Special Rapporteur transmitted to the Government of Turkey allegations he had received concerning the violation of the right to life of 319 persons. In 26 cases, the victims were said to be minors. It was alleged that 117 cases constituted violations of the right to freedom of expression and opinion, religion and peaceful assembly and association. In 8 urgent appeals, the Special Rapporteur intervened on behalf of 50 persons. Allegations concerning violations of the right to life of 269 others were sent in a separate letter. The Government replied to two urgent appeals.

Urgent appeals

589. The Special Rapporteur sent eight urgent appeals to the Government of Turkey after he had received the following information.

590. Mehmet Demir (32), a Kurd, Siirt Deputy Provincial President of HEP, had reportedly disappeared in January 1992 after leaving his restaurant in Siirt in circumstances that suggested the possible involvement of members of the security forces and gave rise to fears for his life and physical integrity (28 January 1992).

591. Selim Mert, a local executive committee member of HEP at Bingöl, had reportedly been subjected to repeated death threats and acts of intimidation and harassment by police officers between 26 January 1992 and early April 1992 (25 June 1992).

592. A leaflet threatening Leyla Zana and 27 other persons (names may be consulted in the files of the Secretariat) with death was reportedly distributed in May 1992 in various towns in the south-eastern part of Turkey. All 28 persons named in the leaflet were either Kurdish members of the Turkish Parliament or otherwise outspoken supporters of the Kurdish minority in Turkey (25 June 1992).

593. Hezni Erkol and at least 14 other civilians, including children (names may be consulted in the files of the Secretariat), were reportedly killed by members of the Turkish security forces in Sirnak between the night of 18 August and noon of 21 August 1992. The security forces allegedly used indiscriminate bombing, heavy shelling and firing on civilian houses and shops during 48 hours. Eyewitnesses were said to have reported that tanks and cannons had been used by the security forces to attack buildings occupied by civilians (24 September 1992).

594. The Special Rapporteur reiterated his concern about the situation in south-eastern Turkey in another urgent appeal to the Government of Turkey, after he had received numerous additional reports about military violence against the civilian population and civilian objectives in Sirnak, Hisar, Kulp and other towns and villages of the region during the months of August, September and October 1992. Again, it had been alleged that the Turkish security forces employed heavy weapons, including tanks, and indiscriminate gunfire against civilian targets. On 3 October 1992, the civilian Vahir Narin reportedly died after being doused with petrol and set alight (23 October 1992).

595. In a sixth urgent appeal to the Government of Turkey, the Special Rapporteur expressed his preoccupation after receiving information that Musa Anter (74), a writer and founding member of HEP, had been killed, together with Orhan Miroglu, on 20 September 1992 in Diyarbakir. Musa Anter was one of the 28 persons whose names were listed on a leaflet containing death threats which had been circulated in the region earlier in the year (see above, para. 592). The Special Rapporteur also stated his concern about reports that Yavuz Binbay, the President of IDH in Van, had continued to receive numerous death threats recently (15 October 1992).

596. By the same urgent appeal, the Special Rapporteur transmitted to the Government of Turkey reports he had received about an attempt on the life of Burhan Karadeniz, a journalist for the newspaper Özgür Gündem, who had been assaulted on his way to work in Diyarbakir on 5 August 1992. Since that attempt, he is reported to be irremediably paralysed from the chest down.

597. In addition, the Special Rapporteur requested the Turkish authorities to ensure effective protection of the right to life and physical integrity of Ismail Yilmaz, who was said to have been subjected to numerous direct and indirect death threats after filing a complaint against policemen whom he identified as those who had severely tortured him on 28 July 1992 at Yedikule police station, Istanbul (16 October 1992).

598. Furthermore, the Special Rapporteur sent an urgent appeal to the Government of Turkey after receiving reports concerning the imminent repatriation to the Islamic Republic of Iran of Mr. Hassanzadeh Afshar Mohammad Reza, an Iranian refugee in Turkey. The Special Rapporteur appealed to the Turkish authorities to refrain from extraditing him, since it was feared that he would be at serious risk of execution for his former membership of the "Mojaheddin Khalgh" and his well-known political activities (6 November 1992).

Other allegations

599. The Special Rapporteur sent two letters to the Government of Turkey transmitting allegations of extrajudicial, summary or arbitrary execution of 269 persons, including 21 minors. Eighty-five cases allegedly constituted violations of the right to freedom of opinion and expression, religion and peaceful assembly and association (31 August 1992 and 16 September 1992).

600. The vast majority of the victims were said to have been Kurds. In a large number of cases, it was also alleged that no judicial or disciplinary proceedings had been initiated against those responsible, even if they had been identified.

601. The eight persons listed below are journalists and correspondents for left-wing or pro-Kurdish periodicals covering the situation in south-eastern Turkey who were reportedly executed by members of the security forces:

Halit Gungen, of 2000'E Dogru (Towards 2000), on 18 February 1992, by three assailants reportedly linked to the security forces, at the Diyarbakir office of his journal, allegedly in connection with an article he had published on 16 February 1992 dealing with the relationship between the "Hizbullah" armed group and the Kontrgerilla;

Cengiz Altun, of Yeni Ülke (New Land), on 24 February 1992, by six bullets fired into his back while he was on his way to work in Batman, allegedly for articles he had written about the activities of the Kontrgerilla;

Izzet Kezer, of Sabah, on 23 March 1992 in Cizre, by military personnel when he left his hotel, together with other journalists, during a curfew. Allegedly, he had been carrying a white flag;

Hafiz Akdemir of Ozgür Gündem (Free Agenda), on 8 June 1992, by an armed man allegedly linked to the security forces, on his way to work in Diyarbakir;

Mecit Akgun, of Yeni Ülke, on 2 June 1992, near Colova, Nusaybin;

Cetin Abayay, of Ozgür Halk (Free Public), on 30 July 1992, in Batman;

Yahya Orhan of Ozgür Gündem, on 31 July 1992, near Batman;

Hüseyin Denis of Ozgür Gündem, on 9 August 1992, by members of the Kontrgerilla in the area of Diyarbakir, reportedly for having written articles about the nature and activities of the Kontrgerilla.

602. The following 50 persons, including 1 minor, were reported to the Special Rapporteur as victims of extrajudicial, summary or arbitrary executions perpetrated by members of the security forces in the south-eastern region of Turkey:

Musa Tantik and Cemal Aslan, when they were forced to get off their water sprinkler vehicle belonging to the municipality of Tepe, Idil, Sirnak, at a roadblock and shot dead by village guards from Tepe;

Besir Algan, on 21 May 1991 at Budakli, near Midyat, by a soldier who reportedly fired a shot directly into his head. His family was allegedly offered money by the military if they dropped proceedings, which they refused. Nobody was said to have been prosecuted;

Ramazan Aslan, on 13 June 1991 at Midyat, Mardin, by the Kontrgerilla, allegedly "for being a Kurd";

Ibrahim Sarica, on 18 June 1991, by members of the Kontrgerilla while on his way to work in Sirnak;

Mehmet Kilic, on 28 June 1991, by three members of the Kontrgerilla at his home in Dagkonak, Sirnak, allegedly for having refused to collaborate with them;

Naci Berakat Acun, on 25 August 1991, by members of the Kontrgerilla during a raid on his home at Seta, Dargecit, Mardin;

Abdülmecit Cetinkaya, on 14 September 1991, by members of the Kontrgerilla at Cimenli, Ömerli, Mardin;

Hasan Erdinc, Isa Erdinc and Zore Erdinc, on 18 September 1991 at Bardakci, allegedly by armed men linked to the Kontrgerilla;

Ali Erdem, on 29 September 1991, by members of the Kontrgerilla at his home in Akcarinar, Kiziltepe, Mardin;

Mehmet Selim Aslan, Süleyman Aslan and Abdulaziz Güclü, on 3 October 1991 at Bahcebasi, near Nusaybin, by armed men allegedly linked to the Turkish army;

Hamit Temel, on 19 October 1991, by members of the Kontrgerilla at Yüksekova, Hakkari;

Ismail Hakki Kocakaya, on 25 November 1991, by plainclothes police officers at Diyarbakir;

Agit Akabe and Ibrahim Demir, on 11 December 1991, by members of the Kontrgerilla at Agacli, Cukurlu, allegedly after being subjected to severe torture;

Agit Akibe and Ibrahim Demir, on 13 December 1991, by army personnel at Cukurlu, allegedly after they had submitted a petition to the Governor of Idil requesting the withdrawal of soldiers occupying several buildings at Cukurlu;

Mahmut Polat, on 23 January 1992 at Bingöl Industrial Estate. The victim was said to have been shot dead by a police officer whom he had requested to pay for a car he had repaired;

Leyla Kuran, Zinnet Karaaslan and another woman, on 1 March 1992, during a house raid carried out by the military in the Alipasa Quarter of Van;

Faik Kahrman, reportedly a "Hizbullah" follower, on 28 March 1992, when he did not obey an order by the military to stop in the Nusaybin District, Mardin;

Abuzer Biratli (75) and Abuzer Korkusoz (70), on 6 April 1992, by members of the military while travelling from Sinon village to Tepehan town;

Haci Celik, on 14 April 1992, when soldiers thought three seedlings loaded on his shoulders to be a rocket-launcher and opened fire on him while he was on the way to his field near Bozlanak, Palu, Elazig;

Haci Bedür, Mehmet Candan, Abdurraham Yesilmen and Hamza Bulut, on 20 April 1992, when village guards opened fire on a minibus on its way from Midyat to Tolgali village;

Hanim Tunc (12), on 4 May 1992, when military personnel opened fire from a helicopter on children grazing animals near Hilal, Uludere, Sirnak;

Ahmet Bayrak, on 8 May 1992, when a soldier from Gogana Gendarmerie station shot at him for not obeying an order to stop near Erken, Pervari, Siirt;

Salih Dolmus, on 24 May 1992, when members of the armed forces opened fire on a minibus for not obeying an order to stop on Kasrik Street, between Sirnak and Lizre;

13 persons, on 10 June 1992, when the minibus they were riding in was stopped by "village guards" near Tatvan. All the passengers were said to have been killed;

Siddik Tan, an active board member of the Batman branch of IHD, on 20 June 1992, in Hurriyet Quarter, Batman, by armed men allegedly linked to the security forces.

603. The following three persons were said to have been killed for their membership of HEP:

Harbi Arman, an active board member of the Malazgirt local branch, on 18 January 1992 at Diyarbakir;

Abdurrahman Sögüt, on 18 January 1992 at Nusaybin, allegedly by members of the Kontrgerilla;

Tahir Seyhan, on 11 April 1992, after four days of interrogation by members of the security forces in Dargecit, Mardin. Allegedly, he had been subjected to torture.

604. The following cases concerning 39 persons, among them 2 minors, have been reported to the Special Rapporteur as deaths as a result of excessive use of force by security forces against demonstrations and other assemblies:

Bicer Bilen, reportedly killed when security forces personnel opened fire on a group of people on their way to the village of Belat, Hilal, Uludere, Sirnak;

Coskun Yadigar, on 13 January 1991, when police officers fired at random on an anti-war demonstration that took place in Istanbul;

Mecit Kaplan, on 25 January 1991, when security forces personnel opened fire on Islamic fundamentalists who wanted to stage a demonstration in Tatvan to protest against the Gulf war;

Salih Talayhan and Sehmuz Yunga, on 28 February 1991, when soldiers opened fire on a group of villagers who were collecting left-over coal in Sirnak;

Ahmet Gülec and Ekrem Oruc, on 4 March 1991, when soldiers opened fire on a group of people who wanted to stage a demonstration in Idil, Mardin, to protest against violence in the region;

Rukiye Bozkurt, on 7 March 1991, when police opened fire at the end of a silent march in Dargecit, Mardin, protesting against violence in Idil on 4 March 1991;

Abdurrahman Cicek, on 15 March 1991, when security forces personnel opened fire on a group of people who were going to pay a visit of condolence to the family of Rukiye Bozkurt (see preceding case);

Emine (Linda) Latifeci (11), on 8 June 1991, after Gendarmerie officers had opened fire on participants in the funeral of a PKK militant in Hazro;

Behzat Özkan, Bahattin Turan, Nevzat Kelecki, Zülfikar Yagan, Sehmuz Demir, Havze Ekinci and Mustafa Atan, on 10 July 1991, when security forces personnel opened fire on participants in the funeral of Vedat Aydin, the Diyarbakir Provincial President of HEP, at Diyarbakir;

Yesra Akbal, on 12 August 1991, when police officers opened fire on a group of women demonstrating at Akarsu, Nusaybin, against repression in the region;

Salih Koc, on 13 August 1991, when security forces personnel opened fire on participants in a demonstration in Beykent, Kurtalan, Siirt, protesting against Turkish military operations against PKK camps;

Özcan (Ömür) Eris (10), on 6 September 1991, when security forces personnel opened fire on a group of people who had gathered in Kurtalan to take over the corpses of four PKK militants;

Nedim Altin, Neytullah Tekin, Hayrettin Demirtay, Nasip Mehmet Altun, Feremez Bulut and Ömer Öztürk, on 24 December 1991, when security forces personnel opened fire on a group of people who wanted to organize a funeral for three PKK militants at Kulp;

Fahri Bektas, Veysi Aktas, Urfi Aksakal and Tevfik Ekinci, on 25 December 1991, when security forces personnel opened fire on participants in a funeral at Lice;

Ali Olmez, Abdulselam Ozbey, Nusbet Acet, Abdulhakim Ozbey, Seyfettin Kapcak and Redriye Gumus, on 15 February 1992 at Yardere, when security forces opened fire on a group of civilians who had gathered to protest against army attacks on the village earlier that day;

Mehmet Nuri Lebe, on 21 February 1992, at Midyat, Mardin, when soldiers opened fire on a crowd of people demonstrating against the increase of violent deaths in the region;

Mehmet Aslan, on 19 April 1992, when members of the Turkish army opened fire on a group of 2,000 people on their way from Idil to the mountainous area;

Abdurraman Ural, on 5 June 1992, when members of the army opened fire on participants at a funeral at Kiziltepe, Mardin.

605. The following 15 persons, including 2 minors, were reported to have died during attacks by security forces in and on towns and villages in the south-eastern part of Turkey:

Nezir Cinar and Selamet Ozer (14), during an army attack on 15 February 1992 on the village of Payamli, Siirt;

Hikmet Menekse, on 5 April 1992, when security forces personnel fired indiscriminately on civilian houses and shops in the Lice District of Diyarbakir, allegedly in reprisal for an attack on the Gendarmerie earlier that day;

Abdülkerim Kortak, Cazim Kortak, Riza Akbas, Orhan Kilic, Kemal Ok, Mustafa Ok, Eyüp Ilhan and Hidir Demirtas, on 17 April 1992, during a military operation against the villages of Taslik and Yasir in the Savur District of Mardin. Soldiers reportedly opened fire at random in the two villages;

Mahmut Akyildiz and Manaz Ucaman, two civilians, on 24 May 1992, when soldiers of the Gendarmerie Squad Command in Lice District opened fire at random in response to an attack by members of the PKK;

Helal Samur and Gülsüme Samur (7), on 29 June 1992, when Turkish military dropped a bomb from a fighter plane on the Ormanci Settlement of the village of Ortaklar, Semdinli, Hakkari.

606. The following 14 persons were said to have been executed for membership of or suspected links with PKK:

Haci Berekat Acun, on 25 August 1991 at Ayranci, Curusuk;

Mecbure Akdogan, in September 1991 at Lice, Diyarbakir;

Süleyman Aziz and Mehmet Gültekin, known as PKK supporters, on 3 October 1991 by the Kontrgerilla in the village of Bahcebasi, Nusaybin. A third man, Abdülaziz Güclü, was reportedly killed when he accidentally passed by the site where the other two had died;

Leyla Aslan, Naciye Sirik, Mehmet Sakar and one other civilian, on 28 April 1992, when soldiers opened fire at random on civilian houses and shops during a clash with members of PKK in the Idil District of Sirnak;

Saim Celik, Veysi Caglayan, two civilians, and three PKK militants, on 28 May 1992 by members of the security forces in Mus. The PKK militants had reportedly kidnapped the two civilians. All five were said to have been arrested by the security forces and detained at the police station. Their dead bodies were later found near Yazla village, Mus.

607. Twenty-three persons, including two minors, are said to have died while in detention, many of them during interrogations. In a large number of cases it is alleged that the authorities decided not to prosecute the officers responsible:

Tevfik Timur, between 5 and 14 January 1991, in detention at Cizre;

Birtan Altunbas, on 16 January 1991 at Gülhane Military Hospital, allegedly as a consequence of torture at Ankara Political Police Headquarters;

Kasim Aras, on 30 January 1991, allegedly as a consequence of ill-treatment while detained in Aralik prison;

Hacim Sincar, on 4 April 1991, allegedly as a consequence of torture during interrogations at Solhan Gendarmerie station;

Veli Gelec, on 5 April 1991, allegedly shot dead while detained by Ankara police;

Naki Göksu, on 9 June 1991, at Mazgirt, Tunceli, after he had been apprehended alive during an armed clash. He was said to have been killed by a Gendarmerie Major when he refused to answer questions during interrogation;

Osman Ekinci, on 20 July 1991, allegedly after being detained by soldiers from Görendoruk Gendarmerie station while minding sheep at Güneyce, Sirnak;

Rafet Basut, on 16 August 1991, after he had surrendered to the police during an armed clash in Ümraniye District, Istanbul;

Ismail Yigit, on 28 August 1991, near Catalözü, by armed men who abducted him after interrogating him about his brother. His body allegedly showed 36 bullet wounds and marks of beating;

Serafettin Celik, on 8 September 1991, while in detention at Gaziantep police headquarters;

Osman Keles, on 18 September 1991, allegedly as a consequence of torture while in detention at Agri police headquarters;

Murat Öszat, in November 1991, allegedly as a consequence of torture while in detention at Gaziantep police station. His body was said to have been completely burned;

Yücer Özen, in November 1991, allegedly as a consequence of torture while interrogated at Beyoglu Security Directorate;

Burhan Serikli, in early March 1992, allegedly as a consequence of torture during interrogations at Batman Gendarmerie station;

Imran Aydin, on 3 March 1992, allegedly as a consequence of torture while in police custody at Ankara;

Biseng Anik, on 28 March 1992, while in custody at Sirnak police headquarters, allegedly after torture;

Hasan Ali (16), in April 1992, allegedly as a consequence of torture during detention by the police at Diyarbakir;

Miktat Kutlu, on 18 April 1992, while in custody of the security forces at Bismil, Diyarbakir, allegedly after torture;

Kadir Kurt, on 19 April 1992, allegedly as a consequence of torture during interrogations at the Gendarmerie Battalion headquarters at Birik, Bismil;

Mehmet Yilmaz, on 25 April 1992, allegedly as a consequence of torture during interrogation at the Batman Security Directorate;

Agit Salman, on 29 April 1992, allegedly as a consequence of torture during two days of interrogation at Adana police headquarters;

A student of 13 years, on 2 May 1992, at Gumushane closed prison;

Hasan Guldal, in June 1992, allegedly as a consequence of torture during interrogations at the Artvin Provincial Gendarmerie Command.

608. The following 13 persons were said to have been killed because of their alleged membership of the urban guerrilla group Devrimci Sol (Revolutionary Left):

Perihan Demirer, on 28 June 1991, during a police raid on a house suspected of being used by Devrimci Sol militants in Besiktas District, Istanbul;

Niyazi Aydin, Ibrahim Erdogan, Hasan Eliuygun, Zeynep Eda Berk, Nazmi Türkcan, Cavit Öszkaya, Yücer Simsek, Ömer Coskunirmak, Ibrahim Ilci and Bilal Karakaya, on 12 July 1991 during three separate house raids by the Political Police and agents of the National Intelligence Agency (MIT) in Nisantasi, Dikiliktas and Balmuncu Districts of Istanbul;

Guluthan Kangalgil and Fintöz Dikme, on 14 July 1991, during a house raid by the police in Telsizler District, Ankara.

609. In addition, the following cases concerning the deaths of 36 persons, including 3 minors, were reported to the Special Rapporteur:

Murteza Kaya, on 7 June 1991, reportedly shot in the head by police while distributing leaflets in the Kükükcekmece District in Istanbul;
Ahmet Akkan and Naile Akkan, reportedly shot dead by a police commissioner who broke into their house in Kurucesne District, Ankara, on 28 June 1991 after a misunderstanding during a discussion;

Mehmet Salih Ceylan, on 12 August 1991, during a house raid carried out by the police in Cumhuriyet District, Gaziantep;

Engin Egeli, on 16 January 1992, killed by police while distributing leaflets of the Revolutionary Communist Party of Turkey (TDKP) protesting against price rises, in the Merter Quarter of Istanbul;

Ismail Cengiz Göznek, Servet Sanin and Hüseyin Yasar, on 27 January 1992, during a house raid carried out by the police in the Mahmutbey Quarter of Istanbul. Ismail Cengiz Göznek had reportedly announced that he would surrender;

Abdülrakip Akin (Refik) reportedly died on 1 February 1992, after he was beaten and forced by soldiers to lie naked in the snow at Sazlibasi, Korkut, Mus;

Muzaffer Saritemur and three other persons, on 27 March 1992, during a house raid carried out by the police in the Hizmaliköprü Quarter, Urfa, allegedly in reprisal for the death of two policemen;

Sinan Kukul, Ayse Nil Ergen, Sadan Öngel, Ayse Uzunhasanoglu, Taskin Usta, Hüseyin Kilil, Arif Öngel, Sati Tas, Eda Yünsel, Sabahat Karatas and Ahmet Fazil Ercümet, on 16 April 1992, during four different house raids carried out by the Political Police and MIT in Istanbul;

Adem Karagöl (12), on 17 April 1992, when he did not obey an order to stop by gendarmes guarding the water tanks near Kayabasi village, Kücükcekmece, Istanbul;

Osman Akbas (15), on 20 April 1992, when he did not obey an order to stop by a police officer on patrol in the Kozan District, Adana;

Serdar Tanis (17), on 20 April 1992, when police opened fire on his car after he had accidentally struck a police car on patrol in the Zeytinburnu Quarter of Istanbul;

Esma Polat, Güven Keskin and Siddik Özcelim, on 30 April 1992, during a house raid carried out by the Political Police in the Kurtulus Quarter of Adana;

Songül Karabulat, Fikri Keles, Ali Yilmaz and Halil Ates, on 4 May 1992, during house raids carried out by the Political Police and MIT in the Dikmen and Telsizler Districts of Ankara. The policemen allegedly employed machine-guns;

Mustafa Gök, on 6 May 1992, when police patrols checking traffic opened fire on his car when he did not obey an order to stop on Samsun Highway, Ankara;

Sükriye Kacmaz, when police officers started firing after misinterpreting an explosion as gunfire in the Ostim Quarter of Ankara.

610. The Special Rapporteur received reports concerning the killing of 68 persons, 11 of them minors, in the context of the celebrations of Nevroz, the Kurdish New Year:

Nuri Soyvural and Davut Soyvural (16), on 20 March 1992 in Gercüs District, Batman, when security forces personnel opened fire on a group of people celebrating Nevroz;

Cetin Bayram and another person, on 21 March 1992, by military personnel during a demonstration that took place in Van;

Ramazan Kahraman, on 21 March 1992, when military personnel opened fire on demonstrators in Eminaga Street, Adana;

An unidentified person, on 21 March 1992 at Kutlubey, Nusaybin, by "village guards";

A group of 33 people between 21 and 23 March 1992 in Sirnak, when security forces personnel allegedly used heavy weapons, shooting at random at civilian houses and civilians on the streets during and after the celebrations of Nevroz. The names of those killed were reported as follows: Zeynep Uysal, Emin Acar (16), Halil Baysal, Sehmuz Kabul, Halil Deger, Nebahat Kakunc (17), Hediye Sagduc, Ramazan Bayar, Nezir Sezek, Belkis Yumak, Hasan Özden, Abdullah Sidar, Bülent Zeyrek (16), Birsen Özcan, Ömer Dayan, Fadil Akin, Hacer San, Halil Baykan, Hasan Cavlak, Emin Tetik (15), Methi Güngen (9), Hatice Katar (5), Kadriye Kakin, Yelda Yumak, Safiye Yilmaz, Latif Sidar, Nafiye Ilmez, Hadi Bahadir, Nur Uysal, Bahri Akin, Mehmet Nezir, Bilal Zeyren (15) and Ramazan Kayar;

Lohman Erzen, Ali Bozkurt, Hüseyin Sönmez, Hüseyin Ertene, Yusuf Ergin, Haci Erten and 22 other persons, between 21 and 25 March 1992 at Cizre, when military personnel allegedly used heavy arms, including tanks, indiscriminately against members of PKK and civilians during and after the celebrations of Nevroz;

19 persons, on 22 March 1992, when military personnel opened fire on demonstrators approaching the city centre of Nusaybin. Those reported to have been killed were: Halil Babek, Ahmet (Agitoglu) Kaya, Mahmut Ciftci, Ahmet (Abdullahoglu) Kaya, Abdülbani Gündüz, Serif Angüc, Hinmet Aslan, Aliye Dumam, Halil Bulat, Hüseyin Bilar, Fevzi Yürek, Ibrahim Elgün, Abdullah Afsin, Aliye Er, Kadir Aytan, Abdullah Atasin, Abdurrahman Ciftci, Kadir Birin and Ahmet Eroglu;

Erwin Korkmaz, Fatima Kacmaz (14) and two other persons, on 22 March 1992, when soldiers of the Turkish army opened fire on people gathering to protest against an incident in which the security forces had denied people access to graves of PKK members;

Necmettin Ekici, on 23 March 1992, when police opened fire on demonstrators in the Barbaros Quarter of Adana;

Medeni Aydin, on 24 March 1992, when he did not obey a police order to stop, in the centre of Batman;

Nihat Celasun (14), on 25 March 1992, when military personnel opened fire on him when he did not obey an order to stop during a curfew in Cizre;

Sefiha Yigihehin, Medeni Tunc (14) and Medine Svegi, on 25 March 1992, when members of the armed forces opened fire on a group of people protesting in the village of Kayikli, Siirt, against the violent incidents during and after the Nevroz celebrations.

Communications received from the Government

611. The Government of Turkey provided the Special Rapporteur with information in reply to the following cases:

(a) Selim Mert (see above para. 591) was arrested on 26 January 1992 and released on the same day after a police search of his house. A medical report confirmed that he did not show any marks of beatings or any injuries. He was again detained on 24 March 1992 on suspicion of supporting PKK terrorists. A second medical report dated 27 March 1992, the day of his release, stated that there were no marks of beatings or other injuries on his body. Selim Mert was rearrested and placed under detention on 1 April 1992 on similar suspicions. According to a medical report of 9 April 1992, the day on which he was again released, there were no marks of beating or injuries on his body. On 25 April 1992, he was detained once more under article 312/2 of the Criminal Code (instigation to hatred and animosity among the population). The case was referred to the authorities in Diyarbakir (10 August 1992);

(b) With regard to the events in Sirnak (see above para. 610), the Government of Turkey informed the Special Rapporteur that on 18 August 1992 some 1,500 PKK activists and their adherents had attacked the city of Sirnak with mortars, rockets, bazookas, automatic rifles and other firearms. The attacks were mainly directed against the headquarters of the 23rd Army Brigade, the Gendarmerie command, the Police Directorate and other public buildings. The electricity net and the telecommunication lines were heavily damaged. The terrorists killed three soldiers and one policeman and injured several others. Sixteen civilians were also killed during the attack. The security forces reacted to the terrorist attacks with the utmost prudence and tried not to harm innocent civilians. The incidents ended on 20 August 1992. After that date, suspects were detained. A large number of weapons were confiscated. Investigations into the events were under way (12 October 1992).

612. Pursuant to Commission on Human Rights resolution 1992/42, the Government of Turkey submitted detailed information about attacks resulting in numerous deaths of civilians and security forces personnel, carried out by the PKK mainly in the south-eastern regions of Turkey throughout 1992.

613. The Government of Turkey provided information concerning 127 of the cases previously transmitted by the Special Rapporteur. According to this information, 64 persons had been killed during armed encounters between security forces and armed groups, 37 had been killed by PKK members and 15 by unidentified individuals. Security forces had killed by accident or mistake six persons, two persons had committed suicide (one of them by precipitating his head on a concrete floor), one person had died after a hunger-strike and

another after he had fallen down by accident. Finally, one person reported dead had been found alive in a hospital, after he had been shot in the neck by an unidentified person. None of the relatives of the above-mentioned persons had received compensation from the Government (14 December 1992).

614. Due to time constraints in the preparation of the report, a thorough analysis of this reply will be included in the report of the Special Rapporteur to the Commission on Human Rights at its fiftieth session.

Observations

615. In the light of the alarming number and gravity of the allegations received and of certain contradictions in the information provided by different sources, the Special Rapporteur has solicited an invitation from the Government of Turkey to visit the country. The Government of Turkey has agreed to the principle of such an on-site visit. The date and other details will have to be determined in further consultations. The Special Rapporteur appreciates the willingness to cooperate shown by the Government of Turkey and hopes that the visit may take place in the near future.

Follow-up on allegations sent in 1991

616. The Special Rapporteur sent a letter to the Government of Turkey following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

617. The Government of Turkey had replied to almost all of these allegations. With regard to those cases in which judicial investigations had been opened, the Special Rapporteur asked to be provided with updated information, in particular about decisions taken as the result of such procedures and any measure adopted as a consequence thereof. The Special Rapporteur also requested the Government of Turkey to provide him with information about the remaining four cases, for which no reply had been received (see E/CN.4/1992/30, paras. 546-556).

Uganda

Follow-up on allegations sent in 1991

618. The Special Rapporteur sent a letter to the Government of Uganda following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 557-562).

Ukraine

Communications sent by the Special Rapporteur

619. The Special Rapporteur sent an urgent appeal to the Government of the Ukraine after he had received information according to which Leonid Kurgansky (37), a lawyer and human rights advocate, deputy of the Shostka Soviet of People's Deputies and member of the Kiev Standing Commission

on Questions of Law and Order, had had his licence revoked as of 1 April 1992 and received death threats by the Ukrainian authorities because of his human rights activities (13 October 1992).

Communications received from the Government

620. No reply to that urgent appeal had been received from the Government of Ukraine at the time of the preparation of the present report.

621. Pursuant to Commission on Human Rights resolution 1992/42, the Government of Ukraine informed the Special Rapporteur that the criminality rate in Ukraine had increased sharply in the context of social, political and economic transformations. Armed clashes between rival criminal gangs and murders of mob leaders and of persons associated with them were increasing. The Ukrainian authorities had established a special service to take effective action against crtiminal organizations and to identify and neutralize criminal groups (13 November 1992).

United Repulic of Tanzania

Follow-up on allegations sent in 1991

622. The Special Rapporteur sent a setter to the Government of the United Republic of Tanzania following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country in 1991, for which no replies had been received (see E/CN.4/1992/30, paras. 573-574).

United States of America

623. The Special Rapporteur has received a number of reports concerning the death penalty in various states of the United States of America. It was repeatedly alleged that some of the safeguards and restrictions on capital punishment contained in international instruments relating to the rights of those facing the death penalty were not respected. This applied, in particular, to the right to adequate defence and the limitations on the death penalty for minors or mentally deficient persons.

Communications sent by the Special Rapporteur

Urgent appeals

624. The Special Rapporteur has sent 10 urgent appeals to the Government of the United States. On six occasions, he responded to information received concerning the imminent execution of a death sentence; one case concerned a minor.

625. Johnny Frank Garrett, who was 17 years of age at the time of his crime, had been sentenced to death in September 1982 after being convicted of murder by a court in the State of Texas. His execution was scheduled for 11 February 1992 (10 February 1992).

626. Edward Fitzgerald had been convicted of rape and murder and sentenced to death in July 1981 in the State of Virginia. Allegedly, defendants in Virginia have experienced difficulties in obtaining lawyers to represent them on appeal. Reportedly, Edward Fitzgerald had not been represented by counsel until the beginning of July 1992, three weeks before the scheduled date of his execution, 23 July 1992 (17 July 1992).

627. William Andrews had been convicted of murder and sentenced to death in November 1974 in the State of Utah. According to the information received, there had been evidence indicating that the murder had been committed by a co-defendant whom he had tried to dissuade from harming the victims. It was also alleged that William Andrews, who is black, was tried by an all-white jury, that a potential black juror had been excluded from the jury for his race, and that an inflammatory note with racial connotations had been circulated to the jury during the trial. His execution was scheduled for 30 July 1992 (21 July 1992).

628. Ricardo Adalpe Guerra had been convicted of murder and sentenced to death on 4 October 1982 in the State of Texas. According to the information received, there was evidence indicating that the victim of the murder, a white police officer on duty, had been killed by a companion of Ricardo Adalpe Guerra. His execution was scheduled for 24 September 1992 (18 September 1992).

629. John Sterling Gardner had been convicted of murder and sentenced to death in September 1983 in the State of North Carolina. Allegedly, he did not benefit from proper legal representation during the sentencing phase of his trial. His state-appointed counsel, who was later reprimanded by the state and suspended from the practice of law for abusing drugs and alcohol during the time of John Sterling Gardner's trial, was said to have failed to satisfy minimum standards of competence (15 October 1992).

630. Joseph Faulder had been convicted of murder and sentenced to death in 1977 by a court in Texas. Allegedly, he suffered from brain damage which might have impaired his ability to determine right from wrong at the time of his crime. Irregularities with regard to evidence obtained from witnesses were also alleged. His execution was scheduled for 4 August 1992. In a second cable, the Special Rapporteur reiterated his concerns after he had been informed that the execution date had been changed to 25 October 1992, and again, in a third cable, after the execution was postponed to 4 December 1992 (25 June 1992, 21 September 1992 and 3 November 1992).

631. Cornelius Singleton had been convicted of murder and sentenced to death in November 1977 in the State of Alabama. According to the information received, the accused, a black, was originally sentenced by an all-white jury which had not been informed of his mental deficiency. This sentence was later reversed but he was resentenced by a judge sitting without a jury. According to reports, evidence of his mental retardation was presented at his second hearing, but was disregarded. In this context, the Special Rapporteur was informed of studies made in the United States of America claiming that in Alabama the death penalty was applied disproportionally on the grounds of race (13 November 1992).

632. The Special Rapporteur sent another urgent appeal to the Government of the United States after receiving reports about the imminent repatriation to El Salvador of Cesar Vielman Joya Martinez, a defector from a clandestine unit of El Salvador's First Brigade who had confessed to having participated in several extrajudicial, summary or arbitrary executions. Concern had been expressed that his life would be in serious danger if he were to be extradited to El Salvador. The Special Rapporteur urged the Secretary of State, on whom the final decision in questions of extradition behoves, to consider the particular situation of Cesar Vielman Joya Martinez. He requested the United States of America to refrain from extraditing Mr. Joya Martinez until the situation in El Salvador was such that he could expect effective protection against the risk of extrajudicial execution (22 September 1992).

Other allegations

633. The Special Rapporteur transmitted a further seven cases to the Government of the United States. Six again concerned the execution of the death penalty, allegedly in disrespect of the safeguards and restrictions contained in international instruments relating to capital punishment.

(a) Nollie Martin was sentenced to death for kidnapping, robbery and murder in November 1978 and executed on 12 May 1992 in the State of Florida. Allegedly, he had suffered from severe mental illness;

(b) Mark Hopkinson was sentenced to death in September 1978 for having ordered the murder of J. Green and was executed on 22 January 1992 in the State of Wyoming. Allegedly, the murderer of J. Green had not been arrested. At the time of the crime, Mark Hopkinson had allegedly been serving a prison sentence in California. Allegedly, there was not enough proof to justify the death penalty;

(c) Robyn Leroy Parks was sentenced to death for a murder in 1977 and executed on 12 May 1992 in the State of Florida. Allegedly, he had been denied a hearing in Federal Court in January 1992 in which he sought to introduce new evidence. According to his lawyers, the new elements could have proved that he had not committed the murder for which he was sentenced to death;

(d) Robert Alton Harris was sentenced to death on 6 March 1979 and executed in a gas chamber on 21 April 1992 in the State of California. Allegedly, tests performed on his body after the execution revealed severe organic brain damage;

(e) Justin Lee May was sentenced to death for a murder in 1978 and executed on 7 May 1992 in the State of Texas. Allegedly, he was executed although his lawyers, in their petition for clemency, had presented new evidence, particularly the fact that the witness who had identified Justin Lee May as the murderer of a woman in 1978 had recanted his testimony in an affidavit. Moreover, Justin Lee May had allegedly suffered from brain damage and mental impairment;

(f) Stephen Douglas Hill was reportedly executed on 7 May 1992 in the state of Arkansas. It was alleged that after a co-defendant had claimed in 1988 that he, not Stephen Douglas Hill, had killed a police officer in 1984, Hill was not able to obtain a new trial on those grounds.

634. In addition, the Special Rapporteur transmitted to the Government of the United States of America the case of Edser Altemaria, a Haitian refugee who was said to have died on 28 May 1992 while in custody at Krome Detention Centre in Florida. Allegedly, he did not receive the constant medical care required by his precarious state of health.

Communications received from the Government

635. The Government of the United States of America has not supplied any replies to these cases. However, in the case of Cesar Vielman Joya Martinez, the Special Rapporteur has been informed by the source of the allegations that on 21 October 1992 the acting Secretary of State had signed the surrender warrant for Mr. Joya Martinez and that he was returned to El Salvador on 23 October 1992. With regard to the cases of Johnny Frank Garrett and Edward Fitzgerald, he was informed by the source that both had been executed as scheduled.

Follow-up on allegations sent in 1991

636. The Special Rapporteur sent a letter to the Government of the United States of America following up on allegations of extrajudicial, summary or arbitrary executions transmitted to that country, for which no reply had been received (see E/CN.4/1992/30, paras. 575-580).

Venezuela

637. The Special Rapporteur has received a number of reports concerning human rights violations, including extrajudicial, summary or arbitrary executions, in the context of demonstrations. Several deaths were said to have been caused by arbitrary and excessive use of force by members of the security forces, in particular the Metropolitan Police (PM), the Criminal Investigations Police (PTJ), the National Guard, the Directorate of Intelligence and Prevention Services (DISIP) and the Directorate of Military Intelligence (DIM). Moreover, it was alleged that in many cases those responsible for human rights abuses had not been brought to justice.

Communications sent by the Special Rapporteur

638. The Special Rapporteur transmitted 14 cases of alleged extrajudicial, summary or arbitrary executions to the Government of Venezuela. In three cases, the victims were said to be minors. Six cases allegedly constituted the violation of the freedom of opinion and expression.

Urgent appeals

639. The Special Rapporteur sent two urgent appeals to the Government of Venezuela.

640. The Special Rapporteur intervened with the authorities of Venezuela after receiving reports about the death of at least nine persons due to excessive use of force by members of the police and the National Guard against demonstrators between March and July 1992. The following three persons, including one minor, were said to have been killed:

(a) Rommer Figueroa Lazardi, by National Guard officials during a demonstration in Ciudad Guayana, State of Bolívar, on 29 May 1992;

(b) Pedro José Vásquez (16), by policemen who tried to disperse a demonstration in Maracay, State of Aragua, on 2 June 1992;

(c) José Gregorio Romero Uzcátegui, by police during a demonstration at the Central University of Venezuela in Caracas on 2 June 1992 (7 July 1992).

641. The Special Rapporteur also intervened on behalf of Antonio Ríos, President of the Venezuelan Workers' Federation, at present undergoing trial before a Venezuelan court. Antonio Ríos, who was said to have been the victim of an attempt against his life and was confined to his home to recover, was reportedly going to be sent to the same prison in which the author of the attempted murder was held. The Special Rapporteur requested the authorities to ensure effective protection for his safety (20 October 1992).

Other allegations

642. The Special Rapporteur transmitted to the Government of Venezuela 10 further cases of deaths due to excessive use of force (31 August 1992).

643. Darwin Duncan Capote Rondón (17), José Gregorio Delgado (17) and José Humberto López Arías were allegedly killed by members of the Metropolitan Police during a students demonstration in Maracarao, Caracas, on 20 November 1991. Five police officials were said to have been arrested.

644. The Special Rapporteur had received reports according to which seven persons lost their lives on 4 February 1992 in the context of an attempted military coup against the Government:

(a) Two persons were reportedly shot at close range in Valencia, State of Carabobo, by policemen who stopped the bus on which they had been riding. All the passengers, among them some soldiers, were told to get off. Although the soldiers reportedly handed over their arms without resistance, one of them was shot at close range. The policemen reportedly also killed Colomba Guadalupe Rivas, a student who had stayed on the bus;

(b) A shoot-out in Canaima, Valencia, State of Carabobo, on the morning of 4 February 1992 between soldiers participating in the coup attempt and police loyal to the constitutional Government reportedly came to an end when various vehicles of DISIP and the National Guard arrived. After the soldiers and some civilians accompanying them had handed over their arms, members of DISIP allegedly executed two soldiers and two students, Gilberto José Peña and Angelo Alberto Ruiz. Reportedly, a student who witnessed the shoot-out, José L. Zerpio Motta, was also killed.

Communications received from the Government

645. The Government of Venezuela provided the Special Rapporteur with information in reply to the urgent appeal sent on behalf of Antonio Ríos. It was stated that due notice had been taken of the Special Rapporteur's communication, which had been transmitted to the Ministry of Justice so that all necessary measures might be adopted to comply with the Special Rapporteur's request and the pertinent international norms and principles (3 November 1992).

646. In addition, the Government of Venezuela informed the Special Rapporteur about the role in the protection of human rights in Venezuela of the Ministerio Público (Public Ministry), instituted by the Venezuelan Constitution as an autonomous and independent entity. It is directed by the Fiscal General, who is elected by both houses of parliament for a period of five years and whose tasks include mediation between the citizens and public institutions, control over the way civil servants and the judiciary discharge their functions, inspection of other public services and, in particular, defence of human rights (3 November 1992).

647. The Government of Venezuela also informed the Special Rapporteur that the Public Ministry had been asked to provide the information he had requested. It was, however, not possible for the Public Ministry to submit a report on the information collected before the closing date of the present report (23 November 1992).

Follow-up on allegations sent in 1991

648. The Special Rapporteur sent a letter to the Government of Venezuela following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991.

649. The Government of Venezuela had replied to these allegations and informed the Special Rapporteur about the progress of the judicial investigations into the case of a clandestine mass grave at "La Peste" cemetery, Caracas. The Special Rapporteur, in his aforementioned letter, expressed his appreciation of the efforts made by the authorities and asked to be provided with additional information about all decisions taken as a result of these procedures or measures adopted as a consequence thereof (see E/CN.4/1992/30, paras. 582-584).

Yemen

Communications sent by the Special Rapporteur

650. The Special Rapporteur sent an urgent appeal to the Government of Yemen after it had been brought to his attention that Mansur Muhammad Ahmad Rajih, a writer and poet, had been sentenced to death in March 1984 for his political activities as a member of the National Democratic Front, the principal opposition group in the former Yemen Arab Republic. Allegedly, his trial had presented various violations of internationally recognized fair trial standards (26 June 1992).

Communications received from the Government

651. At the time of the preparation of the present report, no communications had been received from the Government of Yemen.

Follow-up on allegations sent in 1991

652. The Special Rapporteur sent a letter to the Government of Yemen following up on allegations of extrajudicial, summary or arbitrary executions that had been transmitted to that country in 1991 and for which no replies had been received (see E/CN.4/1992/30, paras. 585-586).

653. The Government of Yemen informed the Special Rapporteur that the case had been transmitted to the authorities in Sana'a.

Zaire

Communications sent by the Special Rapporteur

654. The Special Rapporteur sent an urgent appeal to the Government of Zaire after receiving reports that at least 17 persons had been killed and several hundred others injured when members of the Special Presidential Division opened fire on participants in a demonstration organized by the Roman Catholic Church at Kinshasa on 16 February 1992 calling for "peace and hope" and for the resumption of negotiations on constitutional and political reform which had been suspended in January 1992 (5 March 1992).

Communications received from the Special Rapporteur

655. At the time of the preparation of the present report, no communications had been received from the Government of Zaire.

Follow-up

656. The Special Rapporteur sent a letter to the Government of Zaire referring to the report presented to the Commission on Human Rights at its forty-eighth session by his predecessor, Mr. Wako, who visited the country from 8 to 11 May 1992 (E/CN.4/1992/30/Add.1). In his conclusions, Mr. Wako indicated his willingness to discuss his report with the Government of Zaire and announced that he would reflect in his report to the forty-ninth session of the Commission on Human Rights all the information with which the Government of Zaire provided him, together with any comments the Government might deem it appropriate to make in connection with the report (paras. 308 and 309). The Special Rapporteur conveyed to the Government of Zaire his readiness to cooperate with the Government of Zaire and invited the authorities to provide him with the information asked for by his predecessor. At the time of the preparation of the present report, however, no communications had been received from the Government of Zaire.

V. VISITS TO THE FORMER YUGOSLAVIA

657. On 14 August 1992, at its first special session, the Commission on Human Rights adopted resolution 1992/S-1/1, appointing a Special Rapporteur to investigate the human rights situation in the former Yugoslavia, in particular Bosnia and Herzegovina. The Commission asked the Special Rapporteur on the former Yugoslavia to cooperate in carrying out his mandate with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, the Working Group on Arbitrary Detention and the representative of the Secretary-General on internally displaced persons. Consequently, the Special Rapporteur on extrajudicial, summary or arbitrary executions participated in two missions to the territory of the former Yugoslavia, in August and in October 1992, as well as the special sessions of the Commission on 14 August and 1 December 1992.

658. During these missions, the Special Rapporteur visited Croatia, Yugoslavia and Bosnia and Herzegovina, including sector East of the United Nations Protected Area in Croatia, which includes the city of Vukovar; Sandzak, a predominantly Muslim area in Serbia and Montenegro, which lies between Kosovo and Bosnia; Sarajevo and parts of northern Bosnia controlled by Bosnian Serbs. He spoke with many refugees who had been forced from their homes by ethnic cleansing or by the ravages of armed conflict, with local and national authorities, and with the representatives of the international agencies active in the former Yugoslavia, including the United Nations Protection Forces (UNPROFOR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross, the European Community Monitoring Mission, and the Conference on Security and Cooperation in Europe (CSCE) monitors. Together with forensic expert Dr. Clyde Snow, who accompanied the mission as expert consultant, the Special Rapporteur participated in the location and preliminary investigation of a site near the city of Vukovar which appeared to be a mass grave.

659. The findings of these missions are contained in three reports submitted by Mr. Tadeusz Masowiecki, the Special Rapporteur on the former Yugoslavia, to the Commission and to the General Assembly (E/CN.4/1992/S-1/9, E/CN.4/1992/S-1/10 and A/47/666). The following is a brief summary of those findings, together with some observations concerning the problem of extrajudicial, summary or arbitrary executions in the former Yugoslavia and the relevance of this experience for the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions.

660. Extrajudicial executions are a serious problem in the former Yugoslavia. This problem is at present most acute in Bosnia and Herzegovina, but there are indications that a significant number of extrajudicial executions also occurred during the short war for independence of Croatia in 1991. In addition, there is a real risk that extrajudicial executions could become more widespread in other areas, including Kosovo, Sandzak and Vojvodina.

661. "Ethnic cleansing" is one of the main causes of extrajudicial executions, that is, executions are one of the methods used to force persons to flee their homes. Some towns and villages were cleansed of their Muslim and/or Croatian populations in a single brief and brutal operation. This typically involved

occupation by military or paramilitary forces during daytime, sometimes preceded by shelling. Once the town or village was occupied, some of the inhabitants would be executed immediately, usually by shooting or stabbing, in full view of relatives and neighbours, while others would be taken away by force and detained in camps. In other cities and towns, executions of Muslim or Croatian residents occurred sporadically over a longer period of time, as one of many tactics used to terrorize the Muslim and Croatian population into fleeing. Such executions are often carried out at night by shooting, by using explosives against homes or by setting fire to them. In some cases, Muslims or Croatians are executed in broad daylight for no apparent reason other than their ethnic background, in order to intimidate the population and force them to leave.

662. Evidence was also received indicating that executions occurred on a regular basis in some of the camps in which Muslims and Croatians were detained in northern Bosnia. In one camp where the testimony of survivors suggests that hundreds or even thousands of prisoners were killed, most deaths appeared to be the result of injuries suffered during torture. In another camp, over a hundred persons were killed in a single incident, apparently in reprisal for the killing of Serbs in combat in a nearby town. In a third camp, testimony available indicates that a significant number of prisoners died from malnutrition and neglect.

663. Testimony of those who managed to escape zones affected by ethnic cleansing indicates that many were killed during the flight to areas under Muslim control. In some cases, all men of military age were taken from convoys and summarily shot. In other cases, vehicles containing families trying to escape were shot at for no apparent reason. Convoys transporting refugees often halted several kilometres before the final destination and passengers were forced to complete the journey on foot, crossing combat zones. This also caused an indeterminate number of deaths.

664. The use of methods of combat incompatible with international humanitarian law is another cause of extrajudicial executions. The shelling of civilian population centres is a common practice, which has caused thousands of civilian deaths. Sarajevo is the best-known example, but a number of other cities throughout Bosnia and Herzegovina have also been subjected to arbitrary shelling of residential areas for months on end.

665. Some cases of deliberate execution of combatants who had been injured or captured have also been reported, and in certain localities Muslim civilians were killed in reprisals when news was received that Serbs from the same community had been killed in combat.

666. The Special Rapporteur also considers that the policy of deliberately depriving the population of the food, heating, shelter and other essentials necessary for survival, practised by Bosnian Serbs against the population of besieged cities and areas, should also be viewed as extrajudicial, summary or arbitrary execution. The very exigencies of the war in Bosnia and Herzegovina preclude the gathering of accurate statistics concerning the number of persons who have died from this cause. However, public health and disaster relief experts estimate that up to 10 per cent of the entire population of the

country may not survive the winter, owing to malnutrition, cold and related causes. These deaths are not unavoidable collateral consequences of the conflict but are due to the deliberate refusal to allow delivery of sufficient humanitarian relief.

667. All objective observers involved in trying to bring an end to the situation in the former Yugoslavia and alleviate the suffering of the victims agree that all the parties to the conflict have committed serious human rights violations, including extrajudicial, summary or arbitrary executions. However, there is abundant evidence that the use of executions as a method of advancing "ethnic cleansing", as well as the shelling of civilian population centres and interference with the delivery of humanitarian relief, are pursued systematically by the Bosnian Serbs, and that the principal victims are the Muslims of Bosnia and Herzegovina. Extrajudicial executions also continue to be carried out in the United Nations Protected Areas, despite the valiant efforts made by United Nations officials and United Nations Civilian Police to disarm paramilitary groups, investigate ethnically motivated crimes and encourage the local authorities to respect the right to life.

668. Most of the extrajudicial executions occurring in Bosnia and Herzegovina are attributable either to Bosnian Serbian authorities, which do not constitute a recognized Government, or to paramilitary groups which support such authorities. Many of the executions reportedly carried out in other parts of Bosnia and Herzegovina have also been attributed either to irregular paramilitary forces which supported the recognized governmental control or to militia composed largely of Bosnian Croats, which are controlled by political parties or groups rather than any Government. Under the procedures normally employed, the Special Rapporteur would thus be unable to respond to most of the executions occurring in Bosnia and Herzegovina, because they are not attributed to a recognized Government. Moreover, most of the information concerning executions now in the possession of the Special Rapporteur has been obtained through the two missions. Very few specific allegations of executions had been received prior to the first mission.

669. In the opinion of the Special Rapporteur, the term "ethnic cleansing" is a euphemism. The deliberate and systematic nature of the killing of Muslims and Croats by Serbs, the dissemination of pseudo-historical and political rationales for ethnic cleansing, the disarming of the populations concerned prior to the commencement of cleansing operations and other circumstances strongly suggest the existence of a policy of killing members of a national, ethnical or religious group, causing serious bodily harm, and deliberately inflicting conditions of life calculated to bring about the physical destruction of the group, in whole or in part, in the terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. In resolution 1992/S-2/1, adopted by the Commission on Human Rights at its second special session, on 1 December 1992, all States are called upon "to consider the extent to which the acts committed in Bosnia and Herzegovina and in Croatia constitute genocide" in accordance with the aforementioned Convention.

670. The decision of the Security Council, in its resolution 780 (1992), to create a Commission of Experts to examine information relating to the violations of humanitarian law being committed in the former Yugoslavia is an

appropriate response, given the scale of extrajudicial executions occurring there. The Special Rapporteur has decided to forward to the Commission all evidence concerning possible war crimes, in particular information concerning executions committed by de facto authorities and irregular armed groups. It is to be hoped that the Commission of Experts will begin its investigations in the very near future, so that its activities may help to prevent or reduce the number of executions which still continue to occur.

671. This leads the Special Rapporteur to reflect on the way in which similar situations should be responded to. There are without a doubt other situations in the world which share certain characteristics with the situation in the former Yugoslavia: where public opinion is concerned about a large number of extrajudicial executions, yet where practically no concrete allegations are forwarded to the Special Rapporteur for action; where part of the territory is not under government control, and where many deaths are due to unrecognized authorities, militias or paramilitary groups; where there are special United Nations peace-keeping or humanitarian relief operations, which in some cases assume certain quasi-governmental functions. In the future, the Special Rapporteur believes that it would be useful to explore ways of assuming a more active role in such situations, possibly in cooperation with other United Nations rapporteurs, representatives or entities, drawing on the extremely useful experience gained through his cooperation with the Special Rapporteur on the former Yugoslavia.

672. The Special Rapporteur would also like to stress two other aspects of this experience which were extremely positive, and which hopefully could become more fully integrated into the working methods of the United Nations human rights system; these are the close cooperation between thematic and country rapporteurs and the invaluable assistance received from the forensic and medical experts who participated in the second mission.

VI. CONCLUSIONS AND RECOMMENDATIONS

673. After 10 years of the existence of the mandate on extrajudicial, summary or arbitrary executions, the number of such executions has not declined. On the contrary, there are serious grounds for believing that armed conflicts in different parts of the world and continuing political violence in a number of countries have resulted in an increase in violations of the right to life. During the first six months in his present function, the Special Rapporteur received, and transmitted to 52 Governments, more than 3,500 allegations concerning extrajudicial, summary or arbitrary executions. Over and over again, he has appealed to the competent authorities to ensure respect for, and effective implementation of, the international standards guaranteeing the right to life of every person.

674. Moreover, in 189 of the cases transmitted, where the victims were said to be under 18 years of age, the Special Rapporteur has recalled to the Governments concerned the specific guarantees for the right to life of minors as contained in the Convention on the Rights of the Child and other pertinent international instruments.

675. There were 519 cases that concerned alleged violations of the right to freedom of opinion and expression, religion and peaceful assembly and association. The Special Rapporteur was particularly concerned at the high number of allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other public manifestations, journalists and members of trade unions or political movements.

676. In over 40 cases, the Special Rapporteur recalled to the Governments concerned the obligation, as provided for in Commission on Human Rights resolution 1992/59, to ensure effective protection of the right to life of those who avail themselves of United Nations human rights procedures by providing evidence, testimony or legal assistance, and of relatives of victims of human rights violations.

A. ALLEGATIONS RECEIVED AND ACTED UPON BY THE SPECIAL RAPPORTEUR

677. The allegations of extrajudicial, summary or arbitrary executions brought to the attention of the Special Rapporteur in 1992 comprised a wide range of different types of violations of the right to life addressed in a number of international instruments (see chapter II). In the light of information received from non-governmental organizations and some Governments, the Special Rapporteur would like to make the following remarks.

Violations of the right to life in connection with the death penalty

678. In so far as crimes subject to the death penalty are concerned, article 6 of the International Covenant on Civil and Political Rights provides: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes ...". The General Assembly has referred to article 6 as forming part of the "minimum standard of legal safeguards" for the protection of the right to life in a number of resolutions

concerning summary or arbitrary executions, most recently in paragraph 12 of resolution 45/162 of 18 December 1990, and the Special Rapporteur considers that article 6 has become a rule of customary international law. The Human Rights Committee, which has competence to issue comments concerning the standards contained in that Covenant, has made the following observation concerning the words "most serious crimes" in article 6: "The Committee is of the opinion that the expression 'most serious crimes' must be read restrictively to mean that the death penalty should be a quite exceptional measure" (A/37/40, annex V, general comment 6 (16), para. 7). The Committee further stated: "The article also refers generally to abolition in terms which strongly suggest that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life ..." (ibid., para. 6).

679. Consequently, all tendencies countering this trend towards the limitation, and eventual abolition, of the death penalty should be carefully scrutinized. They may include, for example, the reintroduction of the death penalty in countries that have signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Legislation providing for capital punishment for crimes which were previously not subject to the death penalty, or the non-respect of the restriction of the imposition and execution of the death penalty against minors, pregnant women or young mothers and mentally deficient persons, also constitute contraventions of the pertinent international instruments. As concerns the information received by the Special Rapporteur, concerns have been raised by the broadening of the range of offences subject to capital punishment in China (see above, paras. 183-184) as well as allegations concerning the execution of persons suffering from severe mental retardation in the United States of America (see above, paras. 629, 630 and 632) and of persons under 18 at the time of commission of the offence in Saudi Arabia (see above, para. 509) and the United States of America (see above, para. 624).

680. In monitoring the existing standards relating to the death penalty, the Special Rapporteur has directed his attention particularly to the procedures in trials leading to the imposition of capital punishment. Such trials should conform to the highest standards of independence, competence, objectivity and impartiality of the judges, and all safeguards and guarantees for a fair trial must be fully respected, in particular as regards the right to defence and the right to appeal and to seek pardon or commutation of the sentence. A number of cases brought to the attention of the Special Rapporteur concerned the alleged violation of the guarantees and safeguards for a fair trial in procedures leading to the imposition of capital punishment in Afghanistan, Azerbaijan, Burundi, China, Cuba, Equatorial Guinea, the Islamic Republic of Iran, Iraq, Malawi, Pakistan, Saudi Arabia, United States of America and Yemen.

Deaths in custody

681. In so far as deaths in custody are said to occur as a consequence of torture, efforts should be made to ensure full respect of the international norms and principles prohibiting any form of torture or other cruel, inhuman or degrading treatment. Prison guards and other law enforcement personnel

should receive training so as to be familiar with these norms as well as the rules and regulations concerning the use of force and firearms to prevent escape or control disturbances. The Special Rapporteur received allegations of deaths in custody as a result of torture in Angola, Bangladesh, China, Cuba, India, Israel, Lesotho, Myanmar, Pakistan, Peru, Rwanda, South Africa, Thailand, Tunisia and Turkey.

682. With regard to deaths in custody caused by the general situation in prisons and detention centres, in particular by starvation or lack of medical care, the Special Rapporteur would like to appeal to all Governments to ensure that conditions of detention in their countries conform to the Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments. Conditions of detention which constitute a danger to the lives of the inmates cannot be justified by a lack of human or financial resources. The Special Rapporteur is particularly concerned by reports that such conditions of detention may even be the expression of a deliberate policy of negligence, as was alleged in the case of Cameroon (see above para. 158).

Deaths due to use of force by law enforcement officials

683. The Special Rapporteur has received a considerable number of allegations concerning violations of the right to life as a consequence of excessive or arbitrary use of force. To avoid such incidents, law enforcement officials should receive adequate training to make them fully aware of the restrictions on the use of force that are provided for in the pertinent international instruments. Of particular concern are reports about deaths resulting from violence against participants in demonstrations and other manifestations exercising their right to freedom of opinion and expression and peaceful assembly. Cases in this category were reported to the Special Rapporteur in Bangladesh, Burundi, Colombia, Cuba, Egypt, Guatemala, Haiti, India, Iraq, Israel, Kenya, Lesotho, Mexico, Myanmar, Paraguay, Peru, the Philippines, Rwanda, South Africa, Sri Lanka, Turkey, and, with regard to violence against demonstrators, in Cambodia, Colombia, the Dominican Republic, Haiti, India, Lesotho, Morocco, South Africa, Turkey, Venezuela and Zaire.

Violations of the right to life during armed conflicts

684. The rising number of armed conflicts in various parts of the world has led to an alarming increase in the number of deaths, both of combatants and of civilians not participating in the hostilities. In this context, and in the light of the impressions and experience gathered during his visits to the former Yugoslavia, the Special Rapporteur would like to draw the attention of the international community to the phenomenon of communal violence, understood as acts of violence committed by groups of citizens of a country against each other, in some cases with active or at least passive support of the government. Instances of such communal violence have been reported to the Special Rapporteur, for example in the Chittagong Hill Tracts of Bangladesh or in Sri Lanka. The danger that such conflicts may extend and evolve into a larger armed conflict, or even a civil war, must not be underestimated; once that has happened, very little can be done to diminish the number of victims, let alone prevent the killing of civilians, including women, children and elderly people. The Special Rapporteur calls on the international community

to provide for mechanisms that may deal effectively with problems of communal violence, closely monitoring and bringing to an end those already under way and preventing new conflicts from escalating and endangering the right to life and physical integrity of a large number of people.

Expulsion of persons to a country where their life is in danger

685. As in former years, the Special Rapporteur has received reports indicating that the imminent extradition of one or more persons might result in their extrajudicial, summary or arbitrary execution in the receiving country. All Governments should take due notice of the norms and principles contained in international instruments that refer to this particular question. They should refrain from extraditing a person in circumstances where his or her safety is not fully ensured.

Obligation to investigate

686. Measures taken by Governments to open independent and impartial investigations with a view to identifying and bringing to justice those responsible for human rights violations constitute one of the main pillars of the effective protection of human rights. Consequently, a climate of impunity for human rights violators contributes to a great extent to the persistence of - and sometimes even to an increase in - human rights abuses in a number of countries. The Special Rapporteur has received many allegations concerning breaches of the obligation to investigate violations of the right to life. On repeated occasions, he has reminded the Governments concerned of this obligation, and he would like to reiterate the appeal to all Governments to implement effectively the norms and principles contained in the pertinent international instruments. As only one particular issue in this context that will be the object of close and constant scrutiny in his future work, the Special Rapporteur would like to mention the problem of the prosecution of members of the security forces in military trials. Special attention will be given to the procedures before such courts, which should not fall short of the internationally recognized standards for a fair trial. Moreover, sanctions imposed as a result of such procedures should not, in practice, amount to disguised impunity.

Genocide

687. The Special Rapporteur has observed a certain reluctance in the international community to use the term "genocide", even when reference is made to situations of particularly grave violations of the right to life which seem to clearly match the criteria contained in the Convention on the Prevention and Punishment of the Crime of Genocide. In particular, the description of atrocities committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as "ethnic cleansing" almost seems to be a euphemism (see also above para. 669). While the international community has taken action on the case of the former Yugoslavia, other conflicts may also warrant careful attention. Once again, the Special

Rapporteur would like to refer to the problem of communal violence. All measures should be taken to prevent acts of communal violence from degenerating into large-scale killings that may reach the dimension of genocide.

Rights of the victims

688. With regard to compensation granted to the families of victims of extrajudicial, summary or arbitrary executions, very little has been reported to the Special Rapporteur. Only the Government of Tunisia informed the Special Rapporteur that, irrespective of the outcome of judicial proceedings against those presumably responsible for the extrajudicial, summary or arbitrary killing of two men, a monthly allowance had been granted to their families. The Special Rapporteur wishes to emphasize the need to establish mechanisms or procedures for providing indemnification for relatives of victims of extrajudicial, summary or arbitrary executions, and particularly their dependents, on a systematic basis. The Special Rapporteur would therefore like to appeal to all Governments concerned to comply with the norms and principles contained in the pertinent international instruments.

B. OTHER PROCEDURAL ASPECTS

689. As concerns the procedures resorted to in the exercise of his mandate, the Special Rapporteur wishes to take up once again some issues that were already mentioned in chapter I, section B, of the present report, in the light of the particular importance which he attaches to these questions.

Allegations

690. In the first place, the Special Rapporteur wishes to thank all the non-governmental organizations that have sent him allegations relevant to his mandate, thus providing the basis for his work. Without their efforts, very little could have been done. The number of non-governmental organizations that submit allegations to the Special Rapporteur is increasing. The Special Rapporteur views this as a positive development. The positive contribution which non-governmental organizations can make to the effective promotion and protection of human rights is well known and has often been recognized by the Commission on Human Rights and the General Assembly. Consequently, the Special Rapporteur feels that it is incumbent upon him to encourage new human rights organizations to make use of international procedures for the protection of human rights, in particular the right to life.

691. The Special Rapporteur will continue his efforts to examine allegations carefully before transmitting them to the Governments concerned. However, as already indicated, he will in principle transmit all cases of alleged extrajudicial, summary or arbitrary executions unless he has serious grounds to believe that the information brought to his attention is not credible. In this regard, the Special Rapporteur wishes to emphasize that such communications should not be understood in a negative way, as accusations. Rather, he believes that if the allegations are untrue Governments should make use of the possibility to so inform the international community. If, on the other hand, instances of extrajudicial, summary or arbitrary executions do

exist in a given country, the Government may wish to avail itself of the Special Rapporteur's offer of assistance and collaboration to bring this phenomenon to a halt. In transmitting the allegations, the Special Rapporteur endeavours to provide the Governments concerned with a maximum of details so as to enable them to identify the case and respond in a meaningful way.

Replies

692. Although Governments were encouraged by the Commission on Human Rights, in its resolution 1992/41, to respond expeditiously to requests for information made to them, in many cases the Special Rapporteur has not received any replies to the allegations he transmitted. With regard to the communications sent by the Special Rapporteur in 1992, this applies to: Afghanistan, Angola, Azerbaijan, Burundi, Cambodia, Chile, Dominican Republic, Equatorial Guinea, Haiti, Honduras, Islamic Republic of Iran, Iraq, Israel, Lesotho, Malaysia, Mali, Nepal, Pakistan, Paraguay, Rwanda, Saudi Arabia, South Africa, Sudan, Togo, Ukraine, United States of America, Yemen and Zaire. Some of these countries (Haiti, South Africa, Zaire) have not provided any information at all since the existence of the mandate. The Special Rapporteur is aware of the fact that in some cases it may be difficult for Governments to provide information in time for their consideration in the preparation of the yearly report. The Special Rapporteur will continue his efforts to seek dialogue and cooperation with all Governments. Nevertheless, in cases where a Government keeps silence systematically and over years, the Special Rapporteur would like to seek guidance from the Commission on Human Rights as to what could be done to encourage better cooperation.

693. In other cases, Governments do reply. The Special Rapporteur welcomes the will to cooperate shown by these Governments. China, Cuba, Egypt, Ethiopia, Ghana, Kenya, Morocco and Tunisia have provided replies to all cases transmitted in 1992. The Governments of Bangladesh, Brazil, Colombia, El Salvador, Guatemala, India, Malawi, Mexico, Myanmar, Peru, the Philippines, Sri Lanka, Thailand, Turkey and Venezuela forwarded information concerning some of them. Brazil, Colombia, Guatemala, India, Kenya, Peru, the Philippines, Sri Lanka and Tunisia informed the Special Rapporteur that some or all of the cases transmitted were being looked into by the competent authorities and that the results of their investigations would be forwarded as soon as they were available.

694. In an effort to enhance the effectiveness of the replies for the evaluation of the efforts undertaken by a Government to promote protection of the right to life, the Special Rapporteur has supplied the Governments for the first time since the beginning of the mandate with a list of questions indicating elements he would like to dispose of for this purpose (see above para. 79). In the future, the Special Rapporteur will endeavour to establish a list of conditions which, if fulfilled, would permit to consider a case as "clarified".

Visits and cooperation

695. Once again, the Special Rapporteur wishes to stress the importance of on-site visits and their purpose of enhancing cooperation with Governments in the common effort to ensure respect for, and protection of, the right to life. The Special Rapporteur will continue to seek invitations to visit countries and to offer his assistance and collaboration. As has been the case in August and October 1992, the Special Rapporteur is also ready to respond quickly to needs of urgent intervention in particularly grave situations.

696. The Special Rapporteur equally offers his collaboration and assistance to other United Nations mechanisms and procedures working in the field of human rights, particularly with regard to the right to life. As stated before, first steps in this direction have been made, for example through contacts with other special rapporteurs and representatives of the Commission, including two joint missions to the former Yugoslavia, participation in the preparatory process for the World Conference on Human Rights and correspondence with special United Nations procedures monitoring peace and transition processes in various countries. With regard to the latter, the Special Rapporteur was particularly pleased by a letter from the head of the Human Rights Division of ONUSAL, providing him with information on the allegations he had transmitted to the Government of El Salvador. It is hoped that this kind of cooperation can be maintained and extended in the future.

697. In situations where serious problems affecting the right to life exist without any doubt but the Special Rapporteur does not receive any allegations - for example, those of Somalia, Liberia and various republics of the former Soviet Union - the Special Rapporteur faces particular difficulties. Sometimes it is difficult to identify the authorities to which communications might be addressed in such armed conflicts where non-governmental entities, often not recognized by the international community, seem to control parts, or the entire territory, of a country. In order to be able to respond to at least some of these particular situations, the Special Rapporteur intends to offer his collaboration and assistance to United Nations mechanisms already existing in these countries, such as special representatives or other missions of the Secretary-General.

698. Moreover, as regards a more particular aspect of cooperation, particularly relevant to his mandate, the Special Rapporteur would like to refer to the moves towards the institution of a standing team of forensic experts who could assist special rapporteurs in assessing, among other things, the reasons for the decease of a person purported to be a victim of extrajudicial, summary or arbitrary execution. They may also provide invaluable assistance in the examination of mass graves or clandestine cemeteries. This was shown clearly during the second mission to Yugoslavia in October 1992, in which two forensic experts participated. The Special Rapporteur wishes to encourage the international community to create a team of forensic experts, as was envisaged in Commission on Human Rights resolution 1992/24.

699. The Special Rapporteur would also favour an increase in contacts with the sources of allegations. In particular, he would wish to inform them if urgent appeals have been sent as a reaction to the allegations submitted to him. The Special Rapporteur hopes that, in the future, he will have the necessary support - in particular, adequate human resources to ensure proper servicing of the mandate - to be able to do so.

Resources

700. Another important aspect regarding the effective functioning of the mandate are the resources, both human and material, the Special Rapporteur disposes of to assist him at the secretariat. If he wishes to respond effectively to the demands addressed to him by the Commission on Human Rights to ensure follow-up, carry out visits and enhance dialogue and cooperation with Governments and other United Nations procedures and mechanisms, and if, in addition to these tasks, he wishes to provide the international community with a more comprehensive picture of the phenomenon of extrajudicial, summary or arbitrary executions by improving the quality of the allegations sent to Governments and giving more attention to a thorough evaluation of replies, developments, patterns etc., one professional staff member at the Centre for Human Rights will not be sufficient. The amount of information received and the increase in the amount of attention and time which the more careful treatment of this information requires would necessitate three professional staff members on a full-time basis and one secretary, also full-time.

701. The Centre for Human Rights should be equipped with appropriate computer facilities to establish the data bases necessary to ensure effective follow-up. The Centre should also dispose of a proper fax number so that communications, in particular those that warrant urgent action by any of the thematic special rapporteurs or working groups, can be dealt with as rapidly as possible.

702. With regard to financial resources, the Special Rapporteur was rather surprised at the lack of clarity concerning the financial means at his disposal. It would be most helpful if he could be informed, at the beginning of each year or reporting cycle, how much money was available for the exercise of the mandate, so as to allow him to plan for on-site visits and other activities related to the mandate. The present practice, which consists in requesting permission for each visit without knowing the total amount of resources available poses serious problems with regard to the priorities the Special Rapporteur might wish to determine for the exercise of his functions. In the interest of enhanced transparency concerning the financing of mandates, the Special Rapporteur would like to request the United Nations to pay attention to this particular problem.

Publicity

703. The Special Rapporteur has also given some reflection to the question of the publicity given to his mandate. These considerations might also be of interest to other special rapporteurs and working groups, in particular those dealing with thematic mandates. In this context, he should once more underline the importance of the work of non-governmental organizations in

providing him with information. Measures should be taken to ensure the widest possible distribution of the reports and information such as the "fact sheets" published by the Centre for Human Rights to these organizations so as to encourage them to cooperate with the procedures of the Commission on Human Rights. United Nations information centres thoughout the world could be of great importance in this context. Libraries, universities, research centres etc. should also be provided with copies of the reports.

704. One problem that arises in this context is the presentation of the reports itself. The Special Rapporteur is aware that his report, in its present form, is not very attractive. While he will make every effort to improve the part he is concerned with - the contents of the report - to eventually make it a comprehensive description of the phenomenon of extrajudicial, summary or arbitrary executions in the world, a change of the very presentation of the document might be considered by the competent instances within the United Nations. The Special Rapporteur could envisage, for example, a more attractive cover, using one or more colours and highlighting the title of the report so as to make it easily recognizable, and the inclusion of illustrations, of photographs or maps, as appropriate.

705. To broaden public awareness of the existence of a mandate of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, the Special Rapporteur also intends to provide more information to the press than in the past. Press conferences could be held, for example on the occasion of the presentation of the report but also in cases where special situations warrant particular attention to violations of the right to life, and press communiqués could be one of the means employed for this purpose.

Prevention of extrajudicial, summary or arbitrary executions

706. As said before, 10 years of the existence of a mandate on extrajudicial, summary or arbitrary executions have not led to the abolition of the phenomenon. Violations of the right to life persist in a variety of forms, ranging from isolated cases, through a more systematic pattern favoured by a "hands off" policy on the part of the authorities, to killings and death threats as a deliberate State policy which at times touches the limits of war crimes and genocide. While ensuring the rights of the victims of such human rights abuses and their families, the efforts made by the international community to curb the phenomenon of extrajudicial, summary or arbitrary executions in the long term must focus on ways and means of preventing them from taking place. These include a genuine will and effective measures to put into practice the international standards already existing, as well as endeavours to improve them where shortcomings are identified. The Special Rapporteur calls once again on the international community to reinforce all its efforts towards the effective prevention of violations of the right to life and wishes to reiterate his entire availabilty and his readiness to provide the fullest collaboration and assistance in this cause of common concern.